



Town of Davie

Department of Human Resources Management

6591 Orange Drive, Davie, Florida 33314-3399

www.davie-fl.gov

954.797.1100

Date: September 05, 2003

To: Mayor and Councilmembers

VIA HARD COPY AND E-MAIL

Via: Thomas J. Willi, Town Administrator

From: Mark Alan, Director of Human Resources Management

Subject: Second Reading of Agenda Item Regarding
an Ordinance Amending Personnel Rules and Regulations
Agenda Date: September 17, 2003

Title of Agenda Item:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE 74-33
ESTABLISHING THE TOWN OF DAVIE'S PERSONNEL RULES AND REGULATIONS AND
AMENDING ALL SUBSEQUENT ORDINANCES AMENDING SAID ORDINANCE;
PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The subject agenda item, concerns a comprehensive revision of the Town of Davie's Personnel Rules and Regulations. Upon its adoption, this ordinance will establish updated Town Personnel Rules and Regulations with provisions consistent with contemporary standards aligned with best practices in the Human Resources Management (HRM) industry by amending current Town Rules and Regulations established by Ordinance 74-33 and by amending all subsequent ordinances amending Ordinance 74-33. The proposed ordinance also provides that any necessary future Town Council action regarding said Personnel Rules and Regulations will be addressed through resolution. This ordinance will take effect immediately upon adoption at the second reading on September 17, 2003.

This ordinance was approved with Council directed modifications at the first reading on September 03, 2003, by a four (4) to one (1) vote, with Councilmember Starkey voting against the item. Please find attached the following items:

- The proposed ordinance
- Modifications to Town Personnel Rules and Regulations Following First Reading on September 03, 2003
- Exhibit "A" - Town Personnel Rules and Regulations with proposed amendments indicated and with September 03, 2003, Council directed modifications

During the September 03, 2003, Town Council meeting a discussion ensued regarding what one Councilmember asserted were Council directives to staff regarding this proposed ordinance which were alleged to have been made at a prior Town Council meeting.

For your information, this item was placed, for the first time, on the August 20, 2003, Town Council Agenda. A review of the record indicates that at that meeting the item was tabled by a five (5) to zero (0) vote, with absolutely no discussion of the item taking place. The only other item that concerned an amendment to the Town's Personnel Rules and Regulation was an item concerning amendments to the vacation rule which was first placed on the August 06, 2003, Town Council agenda. A review of the record indicates that at that meeting the item was tabled by a two (2) to one (1) vote with also no discussion associated with the circulation of a memorandum concerning amendments to the Town's Personnel Rules and Regulations taking place. At the August 20, 2003, Town Council meeting, the item regarding amendments to the vacation rule was withdrawn with absolutely no discussion of the item taking place since the issues related to this item were now being addressed in the comprehensive revision of the Town's Personnel Rules and Regulations. The first Town Council discussion concerning the comprehensive revision of the Town's Personnel Rules and Regulations and of a circulation memorandum regarding this matter took place during the September 03, 2003, Town Council meeting.

Date: September 05, 2003
To: Mayor and Councilmembers
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This correspondence with attachments is being distributed via hard copy and e-mail, and will also be placed in the Town Council Agenda package in electronic format which will be available for viewing on the Town's internet site.

Please contact Assistant Human Resources Director El pagnier Hudson or me should you require any further information regarding this issue.

cc: Monroe Kiar, Town Attorney
Ken Cohen, Assistant Town Administrator
Russell Muniz, Town Clerk
El pagnier Hudson, Assistant Human Resources Director

Attachments:

- Ordinance
- Modifications to Town of Davie's Personnel Rules and Regulations Following First Reading on September 03, 2003
- Exhibit "A"-Town Personnel Rules & Regulations w/ proposed amendments indicated & w/ Sept. 3rd modifications

MA:ma
council03.009 (cm09/17/03)

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE 74-33 ESTABLISHING THE TOWN OF DAVIE'S PERSONNEL RULES AND REGULATIONS AND AMENDING ALL SUBSEQUENT ORDINANCES AMENDING SAID ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Davie has reviewed and analyzed the Town of Davie's Personnel Rules and Regulations and recognizes the need to revise provisions of such Personnel Rules and Regulations in order to elevate the language of said provisions to that consistent with contemporary standards aligned with best practices in the Human Resources Management industry; and

WHEREAS, the Town of Davie during said review and analysis recognized that any necessary future Town Council action regarding said Personnel Rules and Regulations should be addressed through Resolution rather than through Ordinance in accord with Florida Statute 166.041(1)(a)&(b); and

WHEREAS, the Town of Davie recognizes that, in addition, addressing any necessary future Town Council action regarding said Personnel Rules and Regulations through Resolution rather than through Ordinance will provide for greater efficiencies since said Town Council action may be addressed and adopted by resolution during one Town Council meeting; and

WHEREAS, the Town of Davie desires to establish updated Town of Davie Personnel Rules and Regulations consistent with contemporary standards aligned with best practices in the Human Resources Management industry and to address any necessary future Town Council action regarding said Personnel Rules and Regulations through Resolution in accord with Florida Statute 166.041(1)(a)&(b); and

WHEREAS, it has been determined that in order to establish updated Town of Davie Personnel Rules and Regulations consistent with contemporary standards aligned with best practices in the Human Resources Management industry, Ordinance 74-33 establishing the Town of Davie's Personnel Rules and Regulations and all subsequent ordinances amending said ordinance must be amended; and

WHEREAS, it is recommended that Ordinance 74-33 establishing the Town of Davie's Personnel Rules and Regulations and all subsequent ordinances amending said ordinance be amended as indicated in a copy of said amended Personnel Rules and Regulations which is attached hereto as Exhibit "A" in order to re-establish updated Town of Davie Personnel Rules and Regulations consistent with contemporary standards aligned with best practices in the Human Resources Management industry, and that any necessary future Town Council action regarding said Personnel Rules and Regulations should be addressed through Resolution in accord with Florida Statute 166.041(1)(a)&(b); and

WHEREAS, it is in the best interest of the Town of Davie to amend Ordinance 74-33 establishing the Town of Davie's Personnel Rules and Regulations and all subsequent ordinances amending said ordinance in order to establish updated Town of Davie Personnel Rules and Regulations consistent with contemporary standards aligned with best practices in the Human Resources Management industry, and to address any necessary future Town Council action regarding said Personnel Rules and Regulations through Resolution in accord with Florida Statute 166.041(1)(a)&(b).

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie does hereby amend Ordinance 74-33 establishing the Town of Davie's Personnel Rules and Regulations and does hereby amend all subsequent ordinances amending said ordinance, as indicated in a copy of said amended Personnel Rules and Regulations which is attached hereto as Exhibit "A".

SECTION 2. Any necessary future Town Council action regarding the Town of Davie's Personnel Rules and Regulations will be addressed through Resolution.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of the Ordinance.

SECTION 4. This ordinance shall take effect immediately its passage and approval.

Addressed

PASSED ON FIRST READING THIS ____ DAY OF _____, 2003

PASSED ON SECOND READING THIS ____ DAY OF _____, 2003

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2003

The Town of Davie's Personnel Rules and Regulations have been further amended following 1st reading on September 03, 2003, as indicated below and such amendments are noted as the highlighted text.

Amended Rule I. General Provisions

Section 4. Administration.

These rules shall be administered ~~and amended as necessary~~ by the town administrator. The town administrator may, in his discretion, delegate his authority to administer the Personnel Rules and Regulations. [Page 2 of Exhibit "A"]

Amended Rule III. Classification Plan

Section 6. Administration.

The town administrator or designee is charged with maintenance of the classification plan so that it will reflect the duties performed by each employee in the classified service and the classification to which each position is ~~allocated~~ assigned. It is ~~his~~ the duty of the Town Administrator or designee to examine the nature of the positions as they are created and to ~~allocate~~ assign them to an existing classification or to create new classifications as necessary; to make such changes in the classification plan as are made necessary by changes in the duties and responsibilities of existing positions; and periodically to review the entire classification plan and ~~recommend~~ implement appropriate changes in ~~allocations~~ assignments or in the classification plan.

Section 7. New or revised classifications.

If it becomes necessary to establish a new classification or revise an existing classification because of the addition of new functions or other justifiable reasons, the supervisor under whose jurisdiction the position is located will submit a draft of the duties and responsibilities to be performed to the town administrator or designee. The town administrator ~~or a member of his staff~~ or designee will prepare the new or revised classification specification possessing all of the required language and provisions set forth by the Americans with Disabilities Act of 1990, and furnish a copy to the appropriate supervisor or department director. The department director will then submit a request on the proper form for the personnel action involved, be it appointment, change in status, etc., to the town administrator or designee, who will attach to it a copy of the new or revised class specification and submit it to the town council for approval.

Amended Rule IV. Compensation Plan

Section 2. Maintenance.

The ~~pay compensation~~ plan is intended to provide competitive compensation for all ~~classes~~ classifications in the ~~classification~~ plan with regard to range of pay for other ~~classes-classifications~~, general rates of pay for similar employment in private establishments and other public jurisdictions in the area, cost of living data, the financial condition of the town, and other factors. To this end, the town administrator or designee will from time to time make comparative studies of all the factors affecting the salary ranges and pay rates, and will recommend to the town council ~~implement~~ such changes in salary ranges and pay rates as appear to be warranted. ~~The town administrator or designee will review such and make actual determinations and implement such changes in salary ranges and pay rates as appear to be warranted.~~ [Page 10 of Exhibit "A"]

Section 7. Pay rates in transfer, promotion, reclassification, reallocation or demotion.

If the salary range of an employee's job classification is reallocated, or if any employee is transferred, promoted, reclassified or demoted, ~~his~~ the rate of pay for the new position shall be determined as follows:

Demotion:

- (a) If the demotion is to a lower class and the present rate of pay is above the maximum rate established for the lower class, the rate of pay shall be adjusted to the maximum rate of the lower class.
- (b) If the demotion is for disciplinary reasons, the employee's rate of pay shall be reduced at least one step. A Predetermination Hearing Process will be made available to any employee for which demotion for disciplinary reasons is being considered.
- (c) ~~If the employee feels his demotion is unwarranted, the employee has the right to appeal to the personnel board.~~ [Page 11 of Exhibit "A"]

Amended Rule V. Recruitment and Employment

Section 4. Competitive examination.

All applicants for positions in the classified service shall be subject to competitive examination. All such tests shall be either assembled or unassembled as provided for in these rules, and shall be administered under the direction of the ~~administrative services~~ human resources management director.

- (a) Types of examinations. The ~~fitness qualification~~ tests held to establish a list of eligibles candidates for any class shall consist of one or more of the following parts as determined by the town administrator or designee:
 - (4) Physical performance test. ~~This part, when required, shall~~ consist of tests of bodily condition, muscular strength, agility, and physical fitness ~~of competitors~~ utilizing simulation of essential physical job tasks and or tests that measure physiological fitness parameters necessary to perform essential job tasks. This may be given a weight in the examination or may be used in excluding from further examination, applicants who do not satisfy the minimum required standards. [Page 13 of Exhibit "A"]

Amended Rule IX. Leaves of Absence

Section 3. Vacation leave.

- (a) *Eligibility.* All regular full-time employees are eligible for and begin earning vacation leave with pay as outlined below; however, an employee may not take vacation leave until he has completed six (6) months of service. Part-time employees working at least twenty (20) hours per week shall be eligible for leave credit earned by full-time employees on a pro rata basis.
- (b) *Accrual of vacation leave.* For purposes of accrual, the vacation year shall be October 1st through September 30th. Vacation is expressed in terms of working days. Except for certain employees in departments that regularly have employees work on holidays, holidays observed by the town are not considered working days for vacation purposes. Employees other than non-represented fire department employees regularly scheduled to work an average of ninety-six (96) hours biweekly whose leave is outlined in section 5 of this rule shall earn and may take vacation leave based on the following:
- (1) Employees with less than five (5) years of service accrue three and eight one-hundredths (3.08) hours biweekly, or ten (10) working days (eight-hour days) per year.
 - (2) Employees who have completed five (5) but less than ten (10) years of service accrue four and sixty-two one-hundredths (4.62) hours biweekly, or fifteen (15) working days (eight-hour days) per year.
 - (3) Employees who have completed ten (10) years of service accrue six and fifteen one-hundredths (6.15) hours biweekly, or twenty (20) working days (eight-hour days) per year.
- c) Accumulation of vacation leave. Vacation leave shall be cumulative; however, at the end of the fiscal year, an employee's vacation leave credits in excess of eighty (80) up to one hundred and sixty (160) hours an amount equal to the amount of vacation leave hours accrued during that fiscal year, as indicated in Rule X IX, Section 3(a) and (b) above, shall be forfeited transferred to the following fiscal year. ~~The amount transferable for a part-time employee who is regularly scheduled to work at least twenty (20) hours per week shall be forty (40).~~ Employees with hours accrued vacation leave in excess of the transferable amounts, as delineated in this section eighty (80) hours and who have utilized at least eighty (80) hour of leave time during the fiscal year, may be allowed to make an election during one month of the year (to be determined by the Town Administrator or designee) to sell the excess vacation leave time back to the Town, subject to available funds, at the discretion of the Town Administrator or designee. An employee may request the Town Administrator or designee provide an extension of those hours above the amount set forth herein for a period not to exceed twelve months. All time sold will be deducted from the vacation time accumulation. [Page 23 of Exhibit "A"]

Amended Rule XVI. Rule Changes

Section 1. Scope of rules; validity and compliance of changes.

These rules and regulations set forth the principles and procedures that are to be followed by the town in the administration of its personnel program. No change or regulations shall become valid until submitted to and approved by the town council town administrator. These personnel rules will be considered to be in compliance accordance with all collective bargaining agreements negotiated by the town administration or designee and ratified by the town council. If there is any conflict between these personnel rules and a collective bargaining agreement, the terms of the collective bargaining agreement shall control. [Page 35 of Exhibit "A"]

Agenda Item #: _____

(Agenda Date: September 17, 2003)

“Exhibit A”

Davie Town Council Meeting, 2nd Reading 09/17/03

PERSONNEL RULES AND REGULATIONS
Town of
DAVIE, FLORIDA

Codified through
Ordinance No. 2000-30, adopted Nov. 1, 2000.
(Supplement No. 3, Rev.)

*Editor's note--Printed herein are the personnel rules and regulations for the Town of Davie, as derived from Ord. No. 74-33, § 1, enacted June 19, 1974, and subsequently amended. Absence of a history note following a particular section indicates that such section derives unchanged from Ord. No. 74-33; conversely, a history note enclosed in parentheses following a section indicates amendment by the ordinance or ordinances included in such history note. Words in brackets have been added for clarification or stylistic purposes, and a uniform system of numbering and capitalization has been employed.

RULE I. GENERAL PROVISIONS

Section 1. Purpose.

The purpose of these rules is to set forth the principles and procedures that are to be followed by the town in the administration of its personnel program. These rules are not intended to be inflexible; therefore, it is expected that amendments and revisions will be made in the manner provided by the rules whenever these are necessary to assure effective administration of the town's personnel program and as required by charter, Special Acts, Chapter 61-2056, Laws of Florida annotated as amended.

Section 2. Gender neutral references.

Whenever these rules and regulations contain the terms "he," "him," "his," "she," "her," or "hers," they shall read as gender neutral.

(Ord. No. 97-25, § 1, 5-7-97)

Section 3. Positions covered.

These rules and amendments, ~~when approved by the town council,~~ shall be applicable to all departments of the town service, and shall have the force and effect of council order in all departments of town administration, with the exception of the town administrator, assistant town administrator, aide to the town administrator, town attorney, assistant town attorney, town prosecutor, or assistants of the town attorney, except that the grievance procedures shall not apply to department directors, aide to the town administrator, probationary, part-time, temporary, interns or seasonal employees with regard to dismissal.

(Ord. No. 78-51, § 1, 10-18-78; Ord. No. 79-28, § 1, 5-16-79; Ord. No. 84-4, § 1, 2-15-84; Ord. No. 97-25, § 1, 5-7-97)

Section 4. Administration.

These rules shall be administered by the town administrator. The town administrator may, in his discretion, delegate his authority to administer the Personnel Rules and Regulations.

(Ord. No. 97-25, § 1, 5-7-97)

Section 5. Using official authority.

No employee of the town shall use ~~his~~ their official authority or influence to coerce the political action of any person or body. No employee shall dismiss, or cause to be dismissed, or threaten to dismiss, or make any attempt to procure the dismissal of, or in any manner change the official rank or compensation of any person in the town's service because of ~~his~~ political opinions or affiliations.

(Ord. No. 97-25, § 1, 5-7-97; Ord. No. 98-19, § 1, 4-15-98)

Section 6. Becoming a candidate for public office.

Regulations for employees of the town becoming candidates for public office shall be those as contained in Florida State Statute 99.012, as it may be amended from time to time.

(Ord. No. 97-25, § 1, 5-7-97)

Section 7. Political or religious beliefs or activity.

No discrimination shall be exercised, threatened, or promised against or in favor of any applicant, competitor or eligible employee because of ~~his~~ their political opinions or affiliations or religious beliefs or creeds, provided such opinions, beliefs, or creeds do not advocate the overthrow of the government of the United States of America by force or violence.

(Ord. No. 97-25, § 1, 5-7-97)

Section 8. Like penalties for like offenses.

The town shall strive to impose like discipline for similar offenses. Nevertheless, the town administrator or designee has the authority to exercise his discretion in determining appropriate discipline in each individual circumstance, as long as such discretion is exercised in conformance with these rules and regulations.

(Ord. No. 97-25, § 1, 5-7-97)

Section 9. Restriction of employment of relatives.

Pursuant to the Town of Davie Charter, no individual may be appointed or hired as an officer or employee of the town ~~who is a relative of an officer or employee within the same department of the town into a position supervised by a relative.~~ For the purpose of this section, a relative shall be defined to mean the following: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister. Further, whenever there is such an individual employed by the town, all provisions of Florida State Statute 112.3135, as it may be amended from time to time, shall apply.

(Ord. No. 97-25, § 1, 5-7-97)

Section 10. Policy of equal employment opportunity.

The town is firmly committed to equal employment opportunity for all employees and applicants for employment. The town shall not discriminate ~~in any employment-related decisions against any employee or applicant for employment~~ on the basis of race, color, religion, sex, age, national origin, marital status, political affiliations, handicap or disability. The town's policy of equality of opportunity applies to all organizational levels of the town and to all job classifications. It is the responsibility of each department director and supervisor to give the town's nondiscrimination policy full support through leadership and by personal example. In addition, it is the duty of each employee to help maintain a work environment which is conducive to, and which reflects, the town's commitment to equal employment opportunity.

The town shall comply with Title I and Title II of the Americans with Disabilities Act regarding non-discrimination on the basis of disability in employment and the provision of services, ~~and further shall not discriminate against any employee or applicant for employment because of race, age, religion, color, gender, sexual orientation, national origin, marital status, political affiliation or disability.~~

(Ord. No. 92-31, § 1, 8-19-92; Ord. No. 2000-35, § 1, 11-1-00)

Section 11. Harassment prohibited.

Harassment on the basis of race, color, religion, sex, age, national origin, marital status, political affiliations, handicap or disability is also strictly prohibited by this provision. It is each employee's responsibility to help eliminate all forms of prohibited discrimination and harassment. It will be every supervisor's responsibility to prevent such behavior from occurring within their work area.

Sexual harassment is a form of employee misconduct which undermines the integrity of the employment relationship. Town policy dictates that all employees be able to work in an environment free from unsolicited and unwelcomed sexual overtones. It is a violation of town policy for any department director, supervisor, or other employee to engage in any act or behavior defined below as sexual harassment. The town will take corrective action with respect to any employee who is determined to have violated this policy. Such action will include a range of disciplinary measures up to and including dismissal.

Sexual harassment means unwelcomed sexual advances, requests for sexual favors, and other verbal, written or physical conduct of a sexual nature when such conduct is made explicitly or implicitly a term or condition of employment, is used as a basis for employment decisions, or has the purpose or effect of interfering with work performance or creating an otherwise ~~offensive~~ hostile work environment.

~~Complaints of sexual harassment may be handled through the grievance procedure, if applicable. Employees may~~ must also report complaints of sexual harassment directly to their immediate supervisor, the department director, the administrative services director, human resources management director, or the town administrator or designee.

~~Harassment on the basis of race, color, religion, sex, age, national origin, marital status, political affiliations, handicap or disability is also strictly prohibited by this provision. It is each employee's responsibility to help eliminate all forms of prohibited discrimination and harassment. It will be every supervisor's responsibility to prevent such behavior from occurring within their work area.~~

(Ord. No. 92-31, § 2, 8-19-92; Ord. No. 96-37, § 1, 8-21-96)

Section 12. Employee assistance program.

The town offers its employees and their families counseling through ~~an~~ a confidential employee assistance program (EAP). For more details, consult the town's EAP brochure available through the ~~personnel~~ human resources management division.

(Ord. No. 97-25, § 1, 5-7-97)

Section 13. Workplace violence prohibited.

The town expressly prohibits any acts or threats of violence by any employee or former employee against any other employee in or about the town's facilities or elsewhere at any time. The town will not permit any acts or threats of violence against its employees by any individual on the town's premises at any time or while they are engaged in business with or on behalf of the town, on or off town premises or property.

To support the town's objectives ~~to provide~~ in providing its employees with a safe and healthful work environment, the town is committed to the following:

- (a) To take prompt remedial action, up to and including immediate termination, against any employee who engages in any threatening behavior or acts of violence or who uses any obscene, abusive, or threatening language or gestures.
- (b) To take appropriate action against former employees or visitors to the town's facilities who engage in such behavior. Such action may include notifying the police department.
- (c) To prohibit employees from bringing unauthorized firearms or other weapons onto the town's premises; further described in Rule VII, Section 2.
- (d) To establish practical security measures to ensure that the town's facilities are safe and secure to the maximum extent feasible and to deal properly with access to the town's facilities by the public, off-duty employees, and former employees.

Employees have the duty to immediately notify their supervisors, the police chief or the department of human resources management if they are aware of or suspect any problematic workplace activity, situations, or incidents that involve other employees, former employees, or visitors. This includes, for example, threats, acts of violence, aggressive behavior, or threatening or offensive acts or comments regardless of how transmitted (written, verbal or electronic). Employee reports made pursuant to this rule will be held in confidence, to the maximum extent possible. The town will not condone any form of retaliation against any employee for making a report under this rule.

Any employee who displays a tendency to engage in violent, abusive, or threatening behavior or who otherwise engages in behavior that the town, in its sole and exclusive discretion, deems offensive or inappropriate, will be referred to the EAP for counseling or other appropriate treatment. Such employees will also be subject to disciplinary action, up to and including termination.

(Ord. No. 97-25, § 1, 5-7-97)

Section 14. Drug- and alcohol-free workplace.

The town has determined that drugs, including alcohol, taken for non-medicinal purposes have no place on the job. Accordingly, the town promotes a drug- and alcohol-free workplace. It is a condition of employment that all employees abide by the town's policy concerning drugs and alcohol. The Town will maintain a drug-free and alcohol-free workplace policy that meets the relevant provisions of the Federal Drug Free Workplace Act and the Florida Drug-Free Workplace program. All current and future applicants and employees are covered by this policy and, as a condition of employment, are required to abide by the terms of this policy. Because of state or federal laws and regulations, certain employees may be subject to additional requirements. The Town shall require an employee to submit to drug and/or alcohol testing whenever it has reasonable suspicion that an employee is in violation of this policy. Random testing may be conducted pursuant to the Florida Drug-Free Workplace program.

(Ord. No. 97-25, § 1, 5-7-97)

Section 15. Medical examination.

Any full-time and part-time person who has been conditionally offered a regular position, including, but not limited to, those being reemployed, recalled or reinstated, shall receive a medical examination that includes a drug screening prior to the first day of employment. The examination shall be performed by a physician designated by the town.

(Ord. No. 97-25, § 1, 5-7-97)

Section 16: The Health Insurance Portability and Accountability Act of 1966 (HIPAA)

The Health Insurance Portability and Accountability Act of 1966 requires that employees be notified on how medical information about them is collected, how that information may be disclosed and how they can get access to this information. The Town has a Plan Privacy Official in compliance with federal law in this regard. Confidentiality is a top priority for the Town of Davie. We are committed to maintaining the highest level of confidentiality with all of the information we receive from our employee's and subscribers to the various health benefit plans of the Town. The Town requires that contracted third-party administrators of the Town's health plans meet HIPAA security standards for all information, including that which is transmitted or maintained electronically.

The Town respects the privacy of personal information and understands the importance of keeping this information confidential and secure. The Town protects the confidentiality of the personal information we receive following Federal and State laws. Our practices apply to current and former employees and complies with the "Protected Health Information" (PHI) HIPAA disclosure requirements. The Town is committed to maintaining compliance with HIPAA regulations and all related provisions of federal and state law, as it may be amended from time to time, shall apply.

RULE II. DEFINITIONS

~~Section 1. Allocate.~~

~~Allocate shall mean the act of assigning each position to its proper class.~~

Section 21. Anniversary

Anniversary date shall mean the date on which an employee begins employment with the Town and the date on which an employee would receive annual salary increases. An employee's promotion, reclassification or transfer resulting in an increase in pay warrants a new anniversary date commensurate with such action.

Section 32. Certify.

Certify shall mean the act of the town administrator or designee in supplying a department director with the names of applicants who are eligible for appointment to the classification and positions in the classified service for which certification is requested.

Section 43. Classification.

Classification shall mean a position or group of positions having similar duties and responsibilities, requiring similar qualifications, which can be properly designated by one title indicative of the nature of the work and which carry the same salary range.

Section 54. Continuous service.

Continuous service shall mean employment in the classified service which is uninterrupted except for authorized leave of absence, suspension or separation due to layoff; however, time lost due to suspension or layoff shall not be included in the determination of length of continuous service. Authorized leave of absence shall be included in the determination of length of continuous service.

(Ord. No. 97-25, § 2, 5-7-97)

Section 65. Demotion.

Demotion shall mean the voluntary or involuntary assignment of an employee to a position in a lower class having a lower maximum salary than the classification from which the assignment is made. This new assignment is to be accompanied by a one year probationary period.

(Ord. No. 95-35, § 1, 8-16-95; Ord. No. 97-25, § 2, 5-7-97)

Section 76. Eligible.

Eligible shall mean a person listed on an active eligible list.

Section 87. Eligible list.

Eligible list shall mean an employment list, promotional list, reemployment list or reinstatement list.

Section 98. Employment list.

Employment list shall mean a list of persons who have been found at least minimally qualified by an entrance examination and/or other criteria established by the town administrator or his designee for appointment to a position in a particular classification.

(Ord. No. 95-35, § 1, 8-16-95)

Section 9. Family Medical Leave Act (FMLA)

United States Code, as added by Title II of the Family and Medical Leave Act 1993 (FMLA) (Public Law 103-3, February 5, 1993), provides covered Federal employees with entitlement to 12 workweeks of unpaid leave during any 12-month period for specified purposes.

~~Section 9 Hearing.~~

~~Hearing means a public hearing held after public notice, at which any person may have a reasonable opportunity to be heard.~~

Section 10. Immediate Family.

Pursuant to FMLA law, immediate family shall mean spouse, and parents thereof; children, including adopted children, and spouses thereof; parents; brothers and sisters, and spouses thereof; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

Section 11. Relatives

Pursuant to FSS 112.312, "Relative," unless otherwise specified in this part, means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee.

Section 40-12. Regular position.

Regular position shall mean any position vacant or filled budgeted position which is designated as such by the budget or by the town administrator or designee. An employee in a regular position has successfully completed the appropriate one year probationary period.

(Ord. No. 95-35, § 1, 8-16-95)

Section 44 ~~13~~. Position.

Position shall mean a group of duties assigned to one person or job.

Section 42 ~~14~~. Probationary employee.

Probationary employee shall mean any employee who is serving ~~his~~ the probationary period prior to being regularly appointed to a regular position and classification in the classified service.

(Ord. No. 95-35, § 1, 8-16-95)

Section 15. Probation:

Probation shall mean a period of one year following the hire or new assignment of a position within the town.

Section 43 ~~16~~. Promotion.

Promotion shall mean the assignment of an employee to a position in a higher classification having a higher maximum salary than the position from which assignment is made. Promotion will entail a minimum of 5% salary increase.

Section 44 ~~17~~. Promotional examination.

Promotional examination shall mean an examination or group of examinations for a position in a certain classification, admission to which is limited to employees in the classified service, who hold regular positions in another classification.

(Ord. No. 95-35, § 1, 8-16-95)

Section 45 ~~18~~. Promotional list.

Promotional list shall mean a list of persons who have been found at least minimally qualified by a promotional examination and/or other criteria as determined by the town administrator or ~~his~~ designee for appointment to a position in a particular classification.

(Ord. No. 95-35, § 1, 8-16-95)

Section 19. Provisional appointment

The appointment to any classified position without competition, but with the approval of the human resources management director, pending the establishment of an eligible list or during the approved absence of a regular employee.

Section 46 ~~20~~. Provisional employee.

Provisional employee shall mean any employee filling a position in the classified service without competition pending the establishment of an eligible list.

Section 21. Reallocation.

Reallocation shall mean the assignment of a job classification to a salary range having a higher or lower pay rate than the salary range from which the assignment is made. This action does not constitute a new anniversary date.

Section 47 ~~22~~. Reclassification.

Reclassification shall mean the assignment of an employee to another ~~position in the same, higher, or lower class~~ classification having the same, higher, or lower pay rate than the ~~position~~ classification from which the assignment is made. This action constitutes a new anniversary date when reclassification results in an increase in pay.

(Ord. No. 97-25, § 2, 5-7-97)

Section ~~18-23~~ 23. Regular employee.

Regular employee shall mean an employee who has been appointed to a regular position in the classified service in accordance with the provisions of the rules after completing a probationary period.

(Ord. No. 95-35, § 1, 8-16-95; Ord. No. 97-25, § 2, 5-7-97)

Section 24. Reinstated

Reinstated shall mean an employee who has resigned or otherwise separated from the town with a good employment record, and may be rehired, if a vacancy exists, to the same or similar position by any department within one year of the date of separation without qualifying in a competitive examination process.

Section ~~19-25~~ 25. Temporary employee.

Temporary employee shall mean an employee holding a position other than a regular position, except as provided in the rules, which is of a temporary, seasonal, casual or emergency nature.

(Ord. No. 95-35, § 1, 8-16-95; Ord. No. 97-25, § 2, 5-7-97)

Section ~~20-26~~ 26. Temporary position.

Temporary position shall mean all positions that are not designated regular.

(Ord. No. 95-35, § 1, 8-16-95; Ord. No. 97-25, § 2, 5-7-97)

Section ~~24-27~~ 27. Transfer.

Transfer shall mean the reassignment of an employee who has been moved from the same or similar from one position to another position within the same classification in the same or in a different position within his the current department or from one department to another department.

(Ord. No. 97-25, § 2, 5-7-97)

Section ~~22-28~~ 28. Vacancy.

Vacancy shall mean a position existing or newly created which is not occupied, and for which funds are available, ~~and for filling of which a valid requisition has been received by the personnel director. A requisition shall be valid within the meaning of this section if it has been approved by the town administrator or his designee.~~

(Ord. No. 95-35, § 1, 8-16-95; Ord. No. 97-25, § 2, 5-7-97)

RULE III. CLASSIFICATION PLAN

Section 1. Purpose.

The classification plan provides a complete inventory of all positions in the town service as well as an accurate description and specifications for each classification of employment. The plan standardizes titles, each of which is indicative of a definite range of duties and responsibilities and has the same meaning throughout the classified service.

Section 2. Composition.

The classification plan consists of:

- (a) A grouping in classes of positions which are approximately equal in difficulty and responsibility, which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions;
- (b) Classification titles, descriptive of the work of the classification, which identify the classification;

- (c) Written specifications for each classification of positions;
- (d) A list showing the classification title of each position in the classified service.

Section 3. Use of classification titles.

Classification titles are to be used in all personnel, accounting, budget, appropriation, and financial records. No person will be appointed to or employed in a position in the classified service under a title not included in the classification plan. Other job titles may be used in the course of departmental routine to indicate authority, status in the organization, or administrative rank.

Section 4. Use of class specifications.

Specifications are to be interpreted in their entirety and in relation to others in the classification plan. Particular phrases or examples are not to be isolated and treated as a full definition of the classification. Specifications are deemed to be descriptive and explanatory of the kind of work performed, not necessarily inclusive of all duties performed.

Section 5. Use.

The classification plan is to be used:

- (a) As a guide in recruiting and examining candidates for employment;
- (b) In determining lines of promotion and in developing employee training programs;
- (c) In determining salary to be paid for various types of work;
- (d) In providing uniform job terminology understandable by all town employees and by the general public.

Section 6. Administration.

The town administrator or designee is charged with maintenance of the classification plan so that it will reflect the duties performed by each employee in the classified service and the classification to which each position is ~~allocated~~ assigned. It is ~~his~~ the duty of the Town Administrator or designee to examine the nature of the positions as they are created and to ~~allocate~~ assign them to an existing classification or to create new classifications as necessary; to make such changes in the classification plan as are made necessary by changes in the duties and responsibilities of existing positions; and periodically to review the entire classification plan and recommend appropriate changes in ~~allocations~~ assignments or in the classification plan.

Section 7. New or revised classifications.

If it becomes necessary to establish a new classification or revise an existing classification because of the addition of new functions or other justifiable reasons, the supervisor under whose jurisdiction the position is located will submit a draft of the duties and responsibilities to be performed to the town administrator or designee. The town administrator ~~or a member of his staff~~ or designee will prepare the new or revised classification specification possessing all of the required language and provisions set forth by the Americans with Disabilities Act of 1990, and furnish a copy to the appropriate supervisor or department director. The department director will then submit a request on the proper form for the personnel action involved, be it appointment, change in status, etc., to the town administrator or designee, who will attach to it a copy of the new or revised class specification and submit it to the town council for approval.

Section 8. Request for reclassification.

Any employee who considers ~~his~~ their position improperly classified shall first submit ~~his~~ the request to ~~his~~ their supervisor, who shall review such request as to its justification. If the department director finds that there is merit in the request, the director shall immediately transmit ~~his~~ the recommendation in writing to the town administrator or designee for consideration and final determination. If the department director finds the request is not justified, ~~he shall so advise the employee~~ shall be so advised of the ~~of his~~ decision by the department director.

RULE IV. PAY COMPENSATION PLAN

Section 1. Composition.

The pay compensation plan includes the basic salary schedule, as adopted by the town council through approval of the fiscal year budget, and the schedule of salary ranges consisting of minimum and maximum rates of pay and intermediate steps for all classes classification of positions included in the classification plan, as adopted by the town council.

Section 2. Maintenance.

The pay compensation plan is intended to provide competitive compensation for all classes classifications in the classification plan with regard to range of pay for other classes classifications, general rates of pay for similar employment in private establishments and other public jurisdictions in the area, cost of living data, the financial condition of the town, and other factors. To this end, the town administrator or designee will from time to time make comparative studies of all the factors affecting the salary ranges and pay rates, and will recommend to the town council such changes in salary ranges and pay rates as appear to be warranted.

(Ord. No. 97-25, § 4, 5-7-97)

Section 3. Use of salary ranges.

Salary ranges are intended to furnish administrative flexibility in recognizing individual differences among positions allocated assigned to the same classification, in providing employee incentive, and in rewarding employees for meritorious service. The following general provisions shall govern the granting of within-the-range increases:

- (a) The minimum rate established for the class is the normal hiring rate, except in those cases where unusual circumstances appear to warrant appointment of an employee at a higher rate. Appointment above the minimum step rate may be made when the town administrator determines that it is necessary in the best interest of the town. Approval will be based on qualifications of the applicant being in excess of the requirements for the class, or there is a shortage of qualified applicants available at the minimum step, or that qualified applicants decline employment at the minimum step.
- (b) Any employee may advance successfully to the higher rates of compensation within ~~his~~ the salary range only after demonstrating that ~~he~~ they ~~has~~ attained the prescribed standards of efficiency and is deserving of an increase because of meritorious service. All increases should be made upon the recommendations of the employee's supervisor and the department director and submitted to the town administrator or designee for compliance with existing rules and regulations.
- (c) Ordinarily, salary increases shall be limited to one step, and shall not be granted more frequently than once a year. Salary increases of more than one step or at less than annual intervals may be approved by the town council for exceptionally meritorious service. The town administrator or designee may approve requests for salary increases of more than one step or at less than annual intervals if said requests are justified by the department director

(Ord. No. 97-25, § 4, 5-7-97)

Section 4. Employees with pay rates between steps of the pay range.

An employee whose rate of pay is between steps of the pay range of ~~his~~ a classification shall be moved on to the next step.

Section 5. Employees with pay rates above maximum of pay range.

An employee whose rate of pay is in excess of the maximum step of the pay range will retain ~~his~~ their current salary as long as ~~he~~ they remains in ~~his~~ their current classification or pay range, unless reduced for disciplinary purposes. Under exceptional circumstances, the town administrator or designee may authorize ~~He is not eligible for merit increases for such employees. but is~~ Such employees are eligible for reasonable cost-of-living revisions

Section 6. Cost-of-living revisions.

Based on studies of cost-of-living and other pertinent economic factors, the pay compensation plan will be revised as necessary to keep it equitable and competitive with other government jurisdictions and private industry.

Section 7. Pay rates in transfer, promotion, reclassification, reallocation or demotion.

If the salary range of an employee's job classification is reallocated, or if any employee is transferred, promoted, reclassified or demoted, his the rate of pay for the new position shall be determined as follows:

Transfer:

- (a) ~~If the pay rate of the former class falls within the new range of pay, the~~ The salary rate shall remain the same.
- (b) ~~If the rate of pay in the former class is more than the maximum rate established for the new class, the pay shall be reduced to the maximum rate or an intermediate step of the new range as recommended by the department head. If the department head feels it in the best interests of the town, he they may recommend to the town administrator or designee that the employee's rate remain unchanged. If approved by the town administrator or designee, the employee may retain his their current rate of pay.~~

Promotion/Reclassification/Reallocation:

- (a) If the rate of pay of the former classification is less than the minimum rate established for the class of the new position, the rate shall be advanced to at least the minimum for the class.
- (b) ~~If the rate of pay of the former-classification falls within the new salary range, -of pay and at an established step in the range of the new class, the salary rate range shall be increased to at least the next step one step. If present rate of pay falls between steps in the range of the new class, the salary rate shall be increased to the next step or the next step plus one, as recommended by the department director and approved by the town administrator or designee.~~

Demotion:

- (a) If the demotion is to a lower class and the present rate of pay is above the maximum rate established for the lower class, the rate of pay shall be adjusted to the maximum rate of the lower class.
- (b) If the demotion is for disciplinary reasons, the employee's rate of pay shall be reduced at least one step. A Predetermination Hearing Process will be made available to any employee for which demotion for disciplinary reasons is being considered.
- (c) ~~If the employee feels his demotion is unwarranted, the employee has the right to appeal to the personnel board.~~

Section 8. Pay for part-time work.

Whenever an employee works for a period less than the regular established number of hours per week, the amount of pay shall be proportioned to the time actually employed.

Section 9. Overtime.

Overtime for eligible employees (not including sworn and/or certified employees of the police and fire departments who have made elections pursuant to Section 7(k) [of the Fair Labor Standards Act (FLSA)]) shall be defined as actual hours of work performed in excess of forty (40) hours in any one work week. All overtime work must be previously authorized by the town administrator or designee. The town administrator may designate department directors who have the authority to authorize overtime. In calculating an employee's entitlement to overtime, only actual hours worked shall be counted unless it is otherwise provided for in a collective bargaining agreement. Compensatory time, as set forth in the FLSA, may be substituted for overtime pay if so authorized by the town administrator or designee or by department directors who have been authorized to do so by the town administrator. Any approved compensatory time generated must be used by the employee within the pay period it was earned in compliance with provisions of the FLSA.

(Ord. No. 97-25, § 4, 5-7-97)

Section 10. Call-in pay.

Any nonexempt employee who is called in after the normal work hours will be compensated a minimum of four (4) hours. If the assignment takes four (4) hours or more, the employee will be compensated for actual hours worked.

(Ord. No. 94-26, § 1, 8-3-94)

Section 11. Compensation for Salaried, Exempt Employees during Emergency Management

In keeping with the town's emergency management plan, crisis response directors and emergency support personnel are at managerial and director levels of employment with the town. As such, these classifications are not traditionally positions to receive overtime pay for excess hours work in accordance with executive exemption definition as outlined in the Fair Labor Standards Act (FLSA). The industry notes and the law regards the unusual circumstances of a natural disaster and/or crisis situation which requires exempt, salaried employees to respond to such incidences for the duration of the crisis and its clearing. As such, salaried, exempt employees are eligible to receive compensation contingent upon a locally declared emergency at a rate of one and one-half time of their hourly rate of pay in excess of forty (40) hours worked per week, for the duration of their involvement during the declared emergency and the residual clean-up necessary to restore the town to normal operations.

RULE V. RECRUITMENT AND EMPLOYMENT

Section 1. Examination Order Request to Fill Vacant Positions.

Whenever there is a need to fill a vacant position in the classified service, the first step is for the department director to submit a request for hire to the town administrator or designee for approval.

(Ord. No. 94-7, § 2, 2-2-94)

Section 2. Notice of vacancy.

Upon approval of a request for hire, the town administrator or designee shall review any existing eligibility list(s) to determine if such list exists for the position classification vacant. If none exists, human resources management shall prepare a notice of vacancy to post internally and, if appropriate, advertise in order to provide candidates to fill the vacant positions. Such Various media of publicity shall be used as might be expected to bring notice of vacancies to as many qualified persons as necessary.

- (a) The town administrator or his delegated representatives shall be considered the appointing authority for all job classifications.
- [(b) Reserved.]

(Ord. No. 94-7, § 2, 2-2-94; Ord. No. 97-67, § 1, 11-19-97)

Section 3. Acceptance of applications.

Application for employment shall be accepted within the prescribed time period as set forth in the recruitment announcement. Each candidate for municipal employment shall make application in the manner prescribed by the town administrator or designee. Application for positions shall be submitted on the prescribed application form. Each applicant shall answer all questions and furnish all information as required in the form or forms of application prescribed. In addition to the information required on the forms of application, each applicant shall submit to such other examinations or tests (written, practical, performance, psychological, physical agility, personality/suitability profile, controlled substance test, medical, etc.) and interviews (personal, character, background, credit, etc.) as shall be deemed appropriate by the town administrator or appointing authority to determine the fitness of applicants for appointment. Each applicant waives any privilege concerning confidential information provided for within employment law. An applicant for a position in the police or fire service who, for any reason, fails to pass an exam utilizing a deception detection device or is deemed not to be suitable for the position based on the psychological and/or personality/suitability profile portion of the employment examination ~~shall may~~ be excluded from retaking the examination for a ~~period of two (2) years from~~ designated period of time from the date of the original test.

(Ord. No. 94-7, § 2, 2-2-94; Ord. No. 95-35, § 2, 8-16-95)

Section 4. Competitive examination.

All applicants for positions in the classified service shall be subject to competitive examination. All such tests shall be either assembled or unassembled as provided for in these rules, and shall be administered under the direction of the administrative services/human resources management director.

- (a) Types of examinations. The fitness qualification tests held to establish a list of eligibles candidates for any class shall consist of one or more of the following parts as determined by the town administrator or designee:
- (1) Written test. ~~This part, when required, shall include a written demonstration designed to assess the knowledge, skills and abilities of the individual which are show the familiarity of competitors with the knowledge~~ required in the class of positions to which an applicant seeks appointment. Written test scores will remain valid for a period of at least six (6) months or for the duration of the eligibility list. An applicant who takes a written test, and does not receive a passing score, shall be excluded from applying for the same position (or positions requiring the same examination) for a period of six (6) months.
 - (2) Oral interview Test using Behavioral Anchored Rating Scales (BARS). ~~This part, when required, shall include a personal interview with competitors for classes of positions where ability to deal with others, to meet the public, or other personal qualifications are to be determined.~~ An oral interview process using behavioral anchored rating scales is the structured interview consisting of job related questions which are directly tied to the type of knowledge, skills and abilities encountered on and necessary to perform the job. An oral test may also be used in examinations where a written test is unnecessary or impractical. An applicant who participates in an oral interview and does not receive a passing grade shall be excluded from applying for the same position for which he/she failed the oral interview for a period of six (6) months.
 - (3) ~~Performance or practical tests~~ Assessment Center or tests. ~~This part, when required, shall include such tests of performance or trade as would determine the ability and manual skills of competitors necessary to perform the work involved~~ required.
 - (4) Physical performance test. ~~This part, when required, shall consist of tests of bodily condition, muscular strength, agility, and physical fitness of competitors utilizing simulation of essential physical job tasks and or tests that measure physiological fitness parameters necessary to perform essential job tasks.~~ This may be given a weight in the examination or may be used in excluding from further examination, applicants who do not satisfy the minimum required standards.
 - (5) Medical exam. A medical examination is required of all employee applicants, as determined by each department. The results of this examination will be recorded in the medical examination form.
 - (6) Training and experience. ~~This part, when required, shall be marked from the statements~~ An evaluation of the education and experience contained in the application form or from such supplementary data as may be required.
 - (7) Structured Interview . An interview using only predetermined, job related questions, with ability to follow-up, using a general rating scale (i.e. Likert scale).
 - (8) Background Investigation. A background is to include, but not be limited to, criminal history check, criminal history, town of residence, local Davie criminal history check, county docket track, state FDLE, national FBI, deception indicators (CVSA and polygraph, credit inquiry, employment history, educational verification, neighborhood check, sexual predator check, worker's compensation history, fingerprint check, personal references, name change verification, and naturalization status verification.

- (b) Rating examinations. Sound measurement techniques and procedures shall be used in rating the results of tests and determining the relative ranking of the candidates. In all examinations, the minimum rating by which eligibility may be achieved shall be established by the ~~town administrator~~ human resources management director in compliance with uniform guidelines, principles for validation and use of personnel selection procedures as well as the Society for Industrial and Organizational Psychology's Principles for Validation and Use of Personnel Selection Procedures. Such minimum rating criterion shall apply also to the ratings of any part of the test.
- (c) Notification of examination results. Each person who takes an examination shall be notified ~~by mail as to whether he made an eligible rating on the examination. Each person taking an examination shall be entitled, to the extent permitted under existing law, to inspect his rating and the examination papers within ten (10) days after publication of the eligible list of the outcome of their performance.~~ This right of review is extended only to the person tested. The review shall be visual only, and no test contents shall be removed. Such inspection shall be permitted only during regular business hours and at the ~~personnel~~ human resources management office. An applicant/employee who reviews an examination will not be eligible to participate in said examination for a period of six (6) months from date of review.
- (d) Veteran's preference. The town will grant veteran's preference to eligible veterans of the Armed Forces of the United States in compliance with applicable federal and state laws concerning veteran's preference. The Town is committed to maintaining compliance with veteran's preference laws and all related provisions, as they may be amended from time to time.
- (e) Unassembled examinations. Whenever the ~~town administrator~~ human resources management director determines that possible applicants are not available in sufficient numbers to justify holding assembled examinations, ~~he~~ the human resources management director may authorize conducting of examinations on an unassembled basis. Unassembled examinations shall be continuous at certain regular established times until it is determined that enough qualified applicants have been examined to establish an eligible list. An unassembled examination may be held without previous advertisement.
- (f) ~~Waiver. A portion or portions of the above outlined testing procedures may be waived, provided that the applicant has successfully passed a similar test given by another source, such as the Criminal Justice Institute, and the test is approved by the town.~~

(Ord. No. 78-16, § 1, 3-1-78; Ord. No. 78-51, § 2, 10-18-78; Ord. No. 94-7, § 2, 2-2-94; Ord. No. 96-16, § 1, 4-17-96)

Section 5. — ~~References.~~

~~As a part of the preemployment procedure, former supervisors, employers, and references provided by candidates shall be checked to determine the most desirable employees. Reference checks made by personal or telephone contact shall be completed prior to an offer of employment and shall be documented and made part of the applicant's file. All such information is to be handled as privileged information to the extent permitted under existing law.~~

(Ord. No. 94-7, § 2, 2-2-94)

Section 5. Eligible lists.

The town administrator or designee shall establish and maintain such employment lists of various classes of positions in the town service as are necessary to meet the needs of the service. In the event the town identifies certain desirable "qualifications" (eg., experience levels, educational needs, certain licenses or certifications, etc.) over and above the minimum requirements set forth in the class specification, and/or the vacancy/position announcement the town may establish a separate eligible list for those applicants who possess the additional, desirable qualifications and may select applicants from this list prior to selecting from the list of applicants who possess the minimum job requirements only. Candidates shall be placed upon the eligible list in the relative order of their grades or ratings. Ties in grades or ratings in open competitive examinations shall be resolved by priority in time of filing the application.

- (a) Duration of list. Eligible lists and the names appearing thereon shall remain in force one year or, where lists have been combined, one year after the date of combining. Eligible lists may be extended for up to one year by the town administrator or designee as circumstances dictate. When an eligible list is reduced to less than five (5) names, the town administrator or designee

may select from the eligible list or may deem the list to have expired and initiate action to establish a new list. If a selection is made from a list containing less than five (5) names and names still remain on the list, the next time a selection is to be made it may be made from that list or the town administrator or designee may deem the list to have expired and may initiate action to establish a new list.

- (b) Removal from eligible list. The name of any person appearing on an eligible list may be removed by the town administrator if the eligible {person} requests in writing that his/her name be removed, or if he cannot be located by postal authorities or other means of ordinary communication within five (5) days following the date of notification. The name of any eligible {person} may also be removed if the eligible {person} has waived an appointment twice in the same classification or position. Any cause specified in these rules for rejection of any application can likewise be cause for the removal of a name from the eligible list.

(Ord. No. 94-7, § 2, 2-2-94; Ord. No. 95-35, § 2, 8-16-95; Ord. No. 96-16, § 1, 4-17-96; Ord. No. 97-25, § 5, 5-7-97)

Section 7. Selection.

The appointing authority shall identify the employee to be considered for the position to be filled from the names of those five (5) eligibles with the most computed points or standing on the appropriate eligible list. In the event the town decides to make a selection from a list containing less than five (5) names, the appointing authority shall identify the candidate to be considered for the position to be filled from the names of the eligibles on the list. No person shall willfully or corruptly make any false statement, certificate, or report regarding any appointment, or in any manner permit any fraud preventing the impartial execution of the personnel rules as pertaining to employment practices. No person seeking appointment in the town service shall either directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or in connection with his appointment or proposed appointment. This is not intended to prevent payment to a legitimate employment agency.

Once selected, the applicant will be ~~offered employment if no further testing is required for the position. Otherwise, the applicant will be~~ given a conditional offer of employment. Thereafter, the applicant will be required to submit to medical testing, which may include a medical examination, psychological examination, deception detection examination, etc. A selected applicant must successfully meet the minimum standards of the ~~required~~ post-conditional offer testing in order to be hired. Otherwise, the conditional offer will be rescinded.

(Ord. No. 94-7, § 2, 2-2-94; Ord. No. 96-16, § 1, 4-17-96)

Section 8. Types of initial appointments.

The following types of initial appointments may be made to the town service on the biweekly payroll in conformity with the rules established: Conditional, regular, temporary, noncompetitive class, and exempt class, which include seasonal, part-time and ~~student~~ intern.

- (a) Conditional appointment. A conditional appointment is one made to the classified service ~~to a~~ in a probationary status to fill a regular full-time position. The appointee, if hired or promoted ~~after August 16, 1995~~, is required to serve a probationary period of twelve (12) continuous months, unless otherwise provided for in a collective bargaining agreement. The probationary employee's performance will be appraised, at a minimum, upon completion of six (6) and twelve (12) continuous months of service in the classification. Upon completion of a twelve-month performance appraisal, the employee may advance to the higher rate of pay in conformity with Rule IV, Section 3. During the probationary period, the employee shall be entitled to vacation leave as provided for in Rule XIX, Section 3 and sick leave as provided for in Rule XIX, Section 4.
- (b) Regular appointment. After the probationary period and upon written notification of satisfactory service and request by the appointing authority, the town administrator or designee shall certify and induct the employee as a regular appointment, and [such employee shall be] entitled to all benefits there under as of the date of the original appointment.
- (c) ~~Temporary~~ Provisional appointment. If the town administrator or designee determines that a situation warrants a ~~temporary~~ provisional appointment or if a vacant position must be filled and there is no appropriate eligible list from which an appointment may be made, it is in the best interests of the town to ~~temporarily~~ provisionally appoint a person meeting as nearly as practicable the qualifications for the position after such interviews, investigations, and other

evaluations as the ~~appointing authority~~ town administrator or designee may desire. A temporary appointment may be made with the expectation that it will be for no more than three hundred sixty-five (365) consecutive days.

- (d) Temporary appointment. If the town administrator or designee determines that a situation warrants a temporary appointment or if a vacant position must be filled and there is no appropriate eligible list from which an appointment may be made, it is in the best interests of the town to temporarily appoint a person meeting the qualifications for the position after such interviews, investigations, and other evaluations as the town administrator or designee may desire. A temporary appointment may be made with the expectation that it will be for no more than three hundred sixty-five (365) consecutive days.
- (~~de~~) Noncompetitive class appointments. In case of a vacancy in a position requiring peculiar and exceptional qualifications of a scientific, professional, or expert nature, upon satisfactory evidence that written competition is impractical and that the position can best be filled by the selection of some designated person of recognized attainments, the town administrator or designee may either suspend competition or direct a qualifying examination be administered. No such suspension shall be general in its application to such position and all such cases of suspension shall be documented. Candidates recommended for appointment under this section shall file an application for entrance with the town administrator or designee in regular form and meet general entrance requirements. Additionally, applicants shall file proof of education, training, experience, ability and character, as may be required. The town administrator or designee may use such means as ~~he may~~ determine to best verify the qualifications of the applicant.
- (~~ef~~) ~~Exempt class~~ Non-classified appointments. Appointments in the ~~exempt class~~ non-classified service shall be as follows when vacancies occur:
 - (1) Directors of departments shall be appointed by the town administrator or designee and, where provided for in the Charter of the town, shall be confirmed by the town council. Department directors and the administrative aide to the town administrator appointed by the town administrator shall not come under the classified service.
 - (~~2~~) ~~Employment into the labor class shall be administered by appointing authorities.~~
 - (~~3~~) Appointment of seasonal, temporary, part-time, and ~~student~~ intern employees shall be administered by the appointing authorities and/or the town administrator or designee.
- (~~fg~~) Reinstatements. An employee who has resigned or otherwise separated from the town with a good record may be rehired, if a vacancy exists, to the same or similar position by any department within one year of the date of separation without qualifying in a competitive examination. This is known as reinstatement. Request for approval of a reinstatement must be submitted by the appointing authority desiring the services of the former employee giving the name, title, salary, and date of proposed reinstatement. All requests must be submitted to the town administrator or designee, who will determine the applicant's eligibility for reinstatement. Appointee is required to serve a probationary period of a continuous 12 months probationary period unless otherwise provided for in the collective bargaining agreement.
- (~~gh~~) Probationary period. Following the conditional appointment of any applicant into the employ of the town, a probationary period exists, during which time an employee must perform to the satisfaction of the appointing authority before being finally inducted and entitled to the benefits of the classification. The length of the probationary period will be one year for police and fire officers and, for all other represented employees, shall be provided for in applicable collective bargaining agreements. The length of the probationary period for all non-represented employees of the town ~~hired or promoted after August 16, 1995~~, shall be twelve (12) continuous months in accordance with Rule V, Section 8(a). If, during the initial probationary period, an employee is transferred to another department, the probationary period may be extended for up to an additional six (6) months ~~before the regular appointment may be certified~~. The town administrator or designee may, at ~~his~~ their discretion, extend the probationary period for an employee for disciplinary purposes and when leave of more than three (3) months is taken. Unpaid leaves of absences will extend the probationary period for a time equal to that of the leave of absence. The probationary period shall be regarded as an intrinsic part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new

employee to ~~his~~ the position, and for eliminating any conditional employee whose performance does not meet the required standards. During this period of probation, conditional appointees may be discharged by the appointing authority and shall not be entitled to recourse before the personnel board. Discharge by the appointing authority with approval of the town administrator or designee shall be final.

(Ord. No. 75-11, § 1, 5-7-75; Ord. No. 76-7, § 1, 3-3-76; Ord. No. 77-18, § 1, 7-6-77; Ord. No. 77-37, § 1, 12-7-77; Ord. No. 78-51, § 3, 10-18-78; Ord. No. 92-47, § 1, 12-2-92; Ord. No. 94-7, § 2, 2-2-94; Ord. No. 95-35, § 2, 8-16-95; Ord. No. 97-25, § 5, 5-7-97)

Section 9. Residency.

The town has no mileage radius that governs an employee's domicile or principal place of residency; however, each employee shall comply with all provisions of applicable collective bargaining agreements and department operational guidelines regardless of the location of his/her domicile or principal place of residency. An employee whose domicile or principal place of residency is outside of Dade, Broward, or Palm Beach Counties may not be eligible for the town-sponsored medical and dental insurance.

(Ord. No. 97-67, § 1, 11-19-97)

Section 10. Disqualifications.

The town administrator or designee may remove from further consideration at any time, the application of an applicant who demonstrates any of the questionable behaviors following, based upon considerations which include, but are not limited to:

- (a) Does not possess the minimum qualifications;
- (b) ~~Has established an u~~ Unsatisfactory employment or personnel record, as evidenced by reference check, of such a nature as to demonstrate unsuitability for employment;
- (c) Has made false statement of any material fact or practiced deception in his application;
- (d) ~~Is afflicted with any mental or physical disqualifying disease or defect that would prevent satisfactory performance of his duties (before the disqualification of an applicant on these grounds, the town administrator will consider whether the applicant, with reasonable accommodations, if requested, could perform the essential job functions);~~ Demonstrates inappropriate behavior during the hiring process. Inappropriate behavior would be any of the ramifications which would result in discipline of a town employee.
- (e) ~~Is determined to be addicted to the~~ Exhibits habitual use of drugs or intoxicants;
- (f) Has been convicted of crimes ~~other than traffic or minor violations~~. As used herein, the term "convicted" means a plea of guilty, a plea of nolo contendere, or a finding of guilty (regardless of whether adjudication is withheld) by any judicial body charged with the responsibility to determine violations of federal, Florida or any other state statute or law;
- (g) Does not reply to a mail inquiry within ~~ten (10)~~ five (5) business days or does not return a telephone inquiry within two (2) business days;
- (h) Fails to accept appointment within two (2) business days or to report for duty within the time prescribed in the offer.

(Ord. No. 94-7, § 2, 2-2-94; Ord. No. 97-67, § 1, 11-19-97)

RULE VI. PROMOTIONS, CHANGES IN STATUS, TRANSFERS, DEMOTIONS, AND RECLASSIFICATIONS

Section 1. Promotions.

- (a) *Vacancies.* ~~Vacancies in positions above the lowest rank in any category in the classified services shall be filled as far as practicable by the promotion of employees in the service.~~ The town administrator or designee shall in each case determine whether an open competitive examination or a promotional examination will best serve the interests of the ~~service town~~ town in attracting well-qualified candidates. If an open competitive examination is deemed more appropriate to serve the interests of the ~~service town~~, employees with the necessary qualifications may be allowed to compete with applicants outside the ~~service town~~ town for the vacant positions. Promotions in every case must involve a definite increase in duties and responsibilities, and shall not be made merely for the purpose of effecting an increase in compensation.
- (b) *Promotional examinations.* The term "promotional examination" signifies a ~~fitness~~ test to determine the eligibility of applicants for positions in the specific classification. Promotional examinations are open only to employees in the classified service who are serving in other specified classifications. A promotional examination may include employees in specific classifications in all departments or only in the department for which the eligible list is being established.
- (c) *Notification.* ~~Whenever the town administrator or designee orders a promotional examination is to be held,~~ notice of such examination shall be posted in the department or departments in which potential eligibles are employed. It shall be the duty of the department director in each department where eligibles are employed to see that each eligible [person] has access to such notice, and is Employees are allowed time away from the work site at no loss in pay to take the examinations for which they qualify.
- (d) *Application.* The town administrator or designee may require that each eligible [person] who cares to compete for promotion fill out an updated employment applicant for promotion complete an application as prescribed and present submit this application at the personnel division to department of human resources management on or before a specified date and time.

(Ord. No. 97-25, § 6, 5-7-97)

Section 2. Status change.

When it is necessary to change an employee to a different classification, change ~~his~~ their name or address, increase or decrease ~~his~~ their pay, grant a leave of absence, or suspend ~~him~~ them from duty, the action is considered a status change. Request to effect these types of actions shall be submitted by the appointing authority to the town administrator or designee on the prescribed form.

Section 3. Transfers.

Any employee in the classified service who has successfully completed ~~his~~ their probationary period may be transferred to the same or similar position within ~~his~~ the department or in a different department without being subject to a probationary period. An employee who seeks a transfer to another department should submit a letter requesting such transfer to ~~his~~ their department director for ~~his~~ their approval. If approved by the department director, ~~he~~ they will forward a copy to the town administrator or designee who will determine if a vacancy exists and coordinate an interview by the department director ~~who has~~ having the vacancy. If the transfer is acceptable to the department director who has the vacancy and is in the best interest of all concerned, the transfer will be processed on the prescribed form.

(Ord. No. 97-25, § 6, 5-7-97)

Section 4. Demotions.

An employee may be demoted to a position of lower grade for any of the following reasons:

- (a) When an employee would otherwise be laid off because his position is being abolished, ~~his~~ the position is being reclassified to a higher grade for which ~~he~~ they cannot qualify, lack of funds, or because of the

return to work from authorized leave of another employee to such a position in accordance with these rules on leave;

- (b) When an employee does not possess the necessary qualifications to render satisfactory service in the position ~~he~~ they holds, or when removed during probation;
- (c) When an employee voluntarily requests such demotion;
- (d) For disciplinary action.

In the event of a demotion, it shall not necessarily be incumbent upon the town to demote an employee in inverse order of appointment if it is not in the best interest of the town.

(Ord. No. 76-7, § 1, 3-3-76; Ord. No. 97-25, § 6, 5-7-97)

Section 5. Reclassifications.

In the event that the functions assigned to and subsequently performed by an employee in a specified classification are reviewed and reclassified to a lower or higher salary range due to changes in job functions, or re-titled to an equal salary range due to changes in job functions, the incumbent employee may be reclassified as a result of the issuance of a new or revised classification specification. New or revised class specifications shall be assigned to the appropriate pension plan at the sole and exclusive discretion of the town administrator. A reclassification does not require job posting or notice. Pay rate adjustments, if any, shall be made in accordance with applicable provisions of these rules and regulations. An employee who has successfully completed an appropriate probationary period shall not be subject to a probationary period in the reclassified classification.

(Ord. No. 97-25, § 6, 5-7-97)

RULE VII. DISCIPLINARY ACTION

Section 1. General.

Whenever employee performance, attitude, work habits, or personal conduct at any time falls below a desirable level, supervisors shall inform employees promptly and specifically of such lapse and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. The Town of Davie employs a system of progressive discipline. In some instances, a specific incident may justify severe disciplinary action in and of itself; however, the action to be taken depends on the seriousness of the incident and the whole pattern of the employee's past performance and conduct.

(Ord. No. 94-26, § 2, 8-3-94)

Section 2. Reasons.

Reasons for disciplinary action may include, but shall not be limited to:

- (a) Conviction of criminal offense, including felony or misdemeanor. As used herein, the term "convicted" means a plea of guilty, a plea of nolo contendere, or a finding of guilty (regardless of whether adjudication is withheld) by any judicial body charged with the responsibility to determine violations of federal, Florida or any other state statute or law.
- (b) Violation of any of the provisions of the personnel rules of the Town of Davie.
- (c) Violation of regulations, orders or directions made or given by a superior where such violations have amounted to insubordination or breach of proper discipline or have resulted in loss or injury to the public.
- (d) Intoxication or drinking beer or alcohol while on duty or reporting for duty intoxicated, or consuming beer or alcohol off-duty to the extent that it affects attendance and/or on-duty conduct.
- (e) Possessing, using, selling, or distributing drugs or controlled substances on- or off-duty.
- (f) Incompetency or inefficiency in the performance of duties of the position to which the employee is appointed.

- (g) Offensive conduct or language toward the public, a superior, or fellow employees.
- (h) Carelessness or negligence in the use of the property of the town or in the authority inherent in one's position.
- (i) Aiding in assessment or collection from any employees in the service of the town for the purpose of securing the nomination or election of any person to a political office in the Town of Davie.
- (j) An attempt to induce any employee of the town to commit an illegal act or acts in violation of any law or departmental regulation.
- (k) The taking or receiving of any fee, gift, gratuity or other valuable thing in the course of ~~his~~ an employee's work or in connection with it for ~~his~~ the employee's personal gain from any person where such free gift or gratuity is given by such person in hope or expectation of receiving a favor or better treatment than that accorded to other persons.
- (l) Employment in a gainful occupation for profit in addition to regular duties where such occupation tends to detract the mind of the employee from ~~his~~ duties or leaves ~~him~~ the employee physically unfit for ~~his~~ regular work.
- (m) Brutality or cruelty to a prisoner or one under arrest or sentence, provided the act committed was not necessarily lawfully done in self-defense or to protect the lives of others or to prevent escape of a person lawfully in custody.
- (n) Absence without leave, including failure to report for employment.
- (o) The showing of disrespect to a superior or public official of the town, elected or appointed.
- (p) Unauthorized release to anyone of confidential information.
- (q) With the exception of law enforcement officers, the possession of a weapon, including, but not limited to, a handgun, shotgun, rifle, knife, or other lethal weapon, on town property and/or in town vehicles.

(Ord. No. 76-7, § 1, 3-3-76; Ord. No. 78-51, § 4, 10-18-78; Ord. No. 79-28, § 2, 5-16-79; Ord. No. 94-26, § 2, 8-3-94; Ord. No. 97-67, § 2, 11-19-97)

Section 3. Forms of Discipline.

The following disciplines may be imposed after an oral counseling and/or documented oral warning has been given to an employee. Counselings and/or documented oral warnings are not recorded as disciplines.

Disciplinary actions may take the form of:

- (a) Written Reprimand. In situations where an oral warning has not resulted in the expected improvement, or where more severe initial action is warranted, a written reprimand may be sent to the employee, and a copy shall be placed in the employee's department file and the employee's personnel folder.
- (b) Suspension. An employee may be suspended without pay by the town administrator or designee for reasons listed above [in section 2] for disciplinary action, or other justifiable reasons when alternate personnel actions are not appropriate.
- (c) Demotion. An employee may be demoted to a position of lower grade by the town administrator or designee for reasons listed above [in section 2] for disciplinary action, or other justifiable reasons when alternate personnel actions are not appropriate.
- (d) ~~Dismissal~~ Discharge. An employee may be dismissed by the town administrator or designee for reasons listed above [in section 2] for disciplinary action, or for other justifiable reasons when alternate personnel actions or other disciplinary actions are not appropriate. The regular, non-union employee shall be informed of his rights to file a written appeal with the personnel board for an investigation and hearing within five (5) days from the effective date of such action ~~with the personnel board for an investigation and hearing.~~

The notice of the right to appeal shall be prepared by the town administrator or designee. If the employee appeals to the personnel board, the request for appeal must be in writing and submitted to the town clerk within five (5) days after the effective date of the action. In the event of the ~~dismissal~~ discharge of a department director, aide to the town administrator, probationary, part-time, seasonal or temporary employee, the above shall not be applicable and the decision of the town administrator or designee shall be final.

(Ord. No. 90-9, § 1, 3-21-90; Ord. No. 94-26, § 2, 8-3-94; Ord. No. 97-25, § 7, 5-7-97)

RULE VIII. SEPARATIONS

Section 1. Types of separations.

All separations of employees from positions in the classified service shall be designated as one of the following types and shall be accomplished in the manner indicated: Resignation, layoff, disability or illness, death, retirement or ~~dismissal~~ discharge. Separations will be processed on the appropriate form.

- (a) Resignation. An employee desiring to resign shall submit the reasons therefore and the effective date in writing to ~~his~~ the respective department director as far in advance as possible, but a minimum of two (2) weeks' notice is desired and reasonable. Failure to comply with this requirement may be cause for denial of future employment with the town.
- (b) Layoff. The town administrator or designee may direct a department director to lay off an employee in the classified service when the town administrator deems it necessary by reason of shortage of funds or work, the abolition of the position, or other material changes in the duties or organization, or for related reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee. The duties performed by an employee laid off may be reassigned to other employees already working who hold positions in appropriate classification. No regular employee shall be laid off while another person in a classified position is employed on a probationary, temporary, or provisional appointment basis in the same classification in the same department. Regular employees may displace another employee with less seniority in an equal or lower job classification, provided the employee is able to immediately perform the job functions and has previously held such similar classification.
 - (1) Order of layoff. The layoff of employees shall be made in inverse order, determined on the basis of length of service in the classification and in the department or other organizational unit involved so long as the employees' efficiency or performance ratings are satisfactory. The town administrator shall determine, in ~~his~~ sole discretion, whether an employee's unsatisfactory efficiency or performance rating may overrule the employee's tenure based on length of service if such action is in the best interest of the ~~service~~ town.
 - (2) Reemployment lists. Employees separated from the ~~service~~ town through no fault of their own shall be placed on a reemployment list in the order of their length of service with the town. Eligibles on reemployment lists shall be given preference in employment in positions for which they are qualified over eligibles not employed with the town. The rule of five (5) in making selections may still be exercised by appointing officials. The eligibility of all candidates on a reemployment list will expire one year from the date on which they become entitled to reemployment rights. Continuation may be granted upon application to the town administrator and approval by the town administrator. The employee's efficiency or performance rating may also be taken in consideration in deciding upon reemployment. Separated employees who refuse an offer of reemployment will be removed from the reemployment list.
- (c) Disability or illness. An employee may be separated for disability or illness when ~~he~~ the employee cannot perform the essential functions of ~~his~~ the job. ~~because of a physical or mental impairment~~. Such separation is determined justifiable when employee is unable to perform essential functions with the department having made the reasonable accommodations requested by the employee in accordance with ADA regulations. Action may be initiated by the employee or the town.
- (d) Death. Separation shall be effective as of the date of death. All compensation due in accordance with Section 3 of this rule shall be paid to the designated beneficiary for life insurance purposes ~~unless another beneficiary has been designated by the employee~~. Further, all compensation, unused vacation leave, and any and all other municipal benefits due shall be made payable to the designated beneficiary for life insurance purposes unless another beneficiary has been designated by the employee.

- (e) Retirement. Whenever an employee meets the conditions set forth in the applicable pension and retirement system, ~~he~~ the employee may elect to retire with all benefits earned under the retirement plan.
- (f) ~~Dismissal~~ Discharge. See Rule VII.

(Ord. No. 79-3, § 1, 1-3-79; Ord. No. 94-7, § 3, 2-2-94; Ord. No. 97-25, § 8, 5-7-97; Ord. No. 97-67, § 3, 11-19-97)

Section 2. Town property.

Town property shall be used solely for job-related purposes. At the time of separation and prior to final compensation, all records, assets, or other items of town property in the employee's custody shall be returned to the department director. Any amount due because of a shortage in the above shall be withheld from the employee's final compensation or collected through other appropriate action.

(Ord. No. 97-25, § 8, 5-7-97)

Section 3. Rights of employees.

Regular employees who separate shall receive payment for all earned salary or wages subject to deduction for any indebtedness pursuant to Section 2 of this rule. Employees other than those ~~dismissed~~ discharged for cause shall be paid for their unused vacation leave as provided for in Rule ~~X IX~~, Section 3, and shall be paid for unused sick leave as provided for in Rule ~~X IX~~, Section 4.

(Ord. No. 97-25, § 8, 5-7-97)

~~RULE IX. RESERVED*~~

~~*Editor's note: Section 4 of Ord. No. 94-7, adopted February 2, 1994, deleted Rule IX, §§ 1-7 in their entirety. Formerly, said sections pertained to grievances and derived from Ord. No. 77-18, § 1, adopted July 6, 1977; Ord. No. 78-51, § 5, adopted October 18, 1978; and Ord. No. 81-45, § 1, adopted August 19, 1981.~~

RULE X IX LEAVES OF ABSENCE

Section 1. General policy.

The following types of leaves are officially established: Holidays, vacation, sick leave, paid time off, maternity leave, military leave, civil leave, leave without pay, discretionary leave, bereavement leave and family and medical leave. All leaves may be granted by the department director in conformance with rules established for each type of leave and shall receive the approval of the town administrator or designee. All departments are required to maintain records of any absence from duty of their employees pursuant to State of Florida Records Retention Schedule.

(Ord. No. 97-25, § 10, 5-7-97)

Section 2. Holidays with pay.

- (a) Holidays. On or before September 30 of each year, the town shall designate, by resolution, the holidays to be observed for the upcoming fiscal year. These holidays are for regular, full-time employees whose work does not require being on duty on holidays.

For this group when a holiday falls on Saturday, it will be observed on the preceding Friday. When a holiday falls on Sunday, the following Monday will be observed as the holiday. For regular employees on a work week other than Monday through Friday, the department director shall designate the workday that the holiday shall be observed. If any of the observed holidays fall on a normal workday within a scheduled vacation period, one additional day of vacation shall be granted.

- (b) *Holidays on scheduled workday.* Full-time Eemployees who are required to work on an observed holiday shall receive holiday pay and shall be compensated at the rate of one and one-half (1 1/2) times their regular pay for the number of hours actually worked on the holiday.

- (c) *Holidays for part-time, temporary and/or seasonal employees.* Part-time employees shall be paid for observed holidays which fall on days for which they would otherwise be scheduled to work, according to the number of hours for which they are normally scheduled to work that day. Temporary and/or seasonal employees assigned to work on observed holidays shall be paid their regular pay (with overtime pay, if applicable) for the number of hours actually worked on the holiday.
- (d) *Eligibility for holiday pay.* In order to receive pay for an observed holiday, an employee must not have been absent without leave either on the workday before or after the holiday.

(Ord. No. 93-24, § 1, 8-18-93; Ord. No. 94-1, § 1, 1-5-94; Ord. No. 97-25, § 10, 5-7-97)

Section 3. Vacation leave.

- (a) *Eligibility.* All regular, full-time employees are eligible for and begin earning vacation leave with pay as outlined below; however, an employee may not take vacation leave until ~~he~~ the employee has completed six (6) months of service. Part-time employees working at least twenty (20) hours per week shall be eligible for leave credit earned by full-time employees on a pro rata basis.
- (b) *Accrual of vacation leave.* For purposes of accrual, the vacation year shall be October 1st through September 30th. Vacation is expressed in terms of working days. Except for certain employees in departments that regularly have employees work on holidays, holidays observed by the town are not considered working days for vacation purposes. Employees *[other than non-represented fire department employees regularly scheduled to work an average of ninety-six (96) hours biweekly whose leave is outlined in section 5 of this rule]* shall earn and may take vacation leave based on the following:
 - (1) Employees with less than five (5) years of service accrue three and eight one-hundredths (3.08) hours biweekly, or ten (10) working days (eight-hour days) per year.
 - (2) Employees who have completed five (5) but less than ten (10) years of service accrue four and sixty-two one-hundredths (4.62) hours biweekly, or fifteen (15) working days (eight-hour days) per year.
 - (3) Employees who have completed ten (10) years of service accrue six and fifteen one-hundredths (6.15) hours biweekly, or twenty (20) working days (eight-hour days) per year.
- (c) *Accumulation of vacation leave.* Vacation leave shall be cumulative; however, at the end of the fiscal year, an employee's vacation leave credits ~~in excess of eighty (80) up to an amount equal to the amount of vacation leave hours accrued during that fiscal year, as indicated in Rule IX, Section 3(a) and (b) above, shall be forfeited~~ transferred to the following fiscal year. The amount transferable for a part-time employee who is regularly scheduled to work at least twenty (20) hours per week shall be forty (40). Employees with accrued vacation leave in excess of eighty (80) hours and who have utilized at least eighty (80) hour of leave time during the fiscal year, may be allowed to make an election during one month of the year (to be determined by the Town Administrator or designee) to sell the excess vacation leave time back to the Town, subject to available funds, at the discretion of the Town Administrator or designee. An employee may request the Town Administrator or designee provide an extension of those hours above the amount set forth herein for a period not to exceed twelve months. All time sold will be deducted from the vacation time accumulation.
- (d) *Administrative control and procedures.*
 - (1) *Scheduling vacation leave.* Department directors are encouraged to schedule vacation dates according to employee seniority, provided it does not interfere with departmental and town operations. At the discretion of the department director, vacation periods may be split in one year.
 - (2) *Separations and retirements.* Employees retiring or resigning voluntarily who give reasonable notice of their intention to terminate their employment, and who have not taken their accrued vacation, may elect to either take their accrued vacation or be compensated for its value as of the date of termination, provided they have completed six (6) months of service as provided for in Rule ~~X-IX~~, Section 3. No compensation for accrued vacation shall be paid to employees who are discharged for cause.
 - (3) *Death of an employee.* All earned vacation credits of employees who die while in the employ of the town shall be paid to the spouse or estate of said individual.

~~(4) State/federal policy. In cases involving town employees who are bound by law to a state or federal policy of vacation leave, the state and/or federal policy shall apply in place of the town policy.~~

(54) Vacation leave form. Vacation leave shall be recorded on the prescribed leave authorization form. Just Prior to an employee taking vacation leave (which must have been scheduled and approved by the department director), the employee shall complete and sign the required form and return it to his the immediate supervisor for department director approval and appropriate processing through department timekeeper and finance department.

(Ord. No. 92-4, § 1, 1-15-92; Ord. No. 93-24, § 2, 8-18-93; Ord. No. 95-19, § 1, 5-3-95; Ord. No. 97-25, § 10, 5-7-97; Ord. No. 97-67, § 4, 11-19-97)

Section 4. Sick leave.

- (a) *Eligibility.* All regular full-time employees shall be eligible for and begin earning sick leave with pay as outlined below; however, an employee may not take paid sick leave until he the employee has completed ~~six (6)~~ three (3) months of service. Sick leave is provided so that an employee will not suffer financial loss if ~~he the employee~~ is unable to work because of illness or physical incapacity. Employees should not regard sick leave in the same manner as annual vacation leave. The wise employee will save as much sick leave as possible to ~~help him~~ get through long periods of illness.
- (b) *Amount of sick leave.* All regular full-time employees other than non-represented fire department employees regularly scheduled to work an average of ninety-six (96) hours biweekly, whose leave is outlined in section 5 of this rule, shall earn sick leave credits at the rate of three and sixty-nine one-hundredths (3.69) hours biweekly. Sick leave may be accumulated up to a maximum of one thousand forty (1,040) hours. Regular part-time town employees working at least twenty (20) hours per week shall earn sick leave credits on a pro rata basis. Sick leave for regular part-time employees may be accumulated up to a maximum of five hundred twenty (520) hours. In the case of extended illness where an employee has exhausted his accrued sick leave, accrued vacation leave may be taken.
- (c) *Conditions under which sick leave may be used.* Sick leave may be granted for the following reasons: Personal illness or physical incapacity of the employee resulting from causes beyond his/her control, illness or physical incapacity of a member of an employee's household or immediate family that requires the employee's personal care and attention, enforced quarantine of the employee in accordance with health regulations imposed by the health authorities of the town, county, or state; or for the employee to attend a doctor or dentist appointment. Additionally, while on family and medical leave, sick leave may be granted when it is requested by an employee to care for his/her newborn, newly adopted child or placement of a foster child.
- (d) *Termination.* As an incentive against sick leave abuse, an employee in good standing at the termination of his/her employment with the Town of Davie, either by resignation or layoff, shall be given the monetary value of fifty (50) percent of accumulated sick leave, and at retirement, the monetary value of seventy-five (75) percent of accumulated sick leave. In the case of a disability retirement, the employee shall be allowed to use up all accumulated sick leave and/or vacation before the effective date of ~~his~~ the disability retirement. No compensation for accrued sick leave shall be paid to employees who are discharged for cause.
- (e) *Death of an employee.* ~~Effective July 1, 1995, t~~ The accumulated sick leave of employees who die while in the employ of the town shall be paid to the spouse or estate of said individual at the monetary value of ~~seventy-five (75)~~ one-hundred (100) percent of accumulated sick leave.
- (f) *Computing sick leave.* Absence for a fractional part of a day that is chargeable to sick leave in accordance with these provisions shall be charged in an amount not smaller than one-quarter (1/4) of an hour.
- (g) *Payment of worker's compensation.* The full salary will be paid to any employee who is injured on the job for a period of up to three (3) months immediately following the date of injury, provided the injury was not due to the negligence of that employee. The safety review board will make the determination as to whether there was or was not negligence on the part of the employee, thus determining whether or not an employee would be eligible for these benefits. Employees receiving full pay from the town when injured are required to return to the town any and all benefits they receive from worker's compensation that are in lieu of lost wages.
- (h) *Conversion of leave.*

(1) *Transfer to vacation leave.* Employees who have accumulated at least nine (9) days sick leave to his or her credit will be allowed to convert a maximum of four (4) days sick leave to vacation leave per fiscal year. If the option is made to convert these days to vacation leave, they must be taken within the fiscal year.

~~(2) —Reserved.~~

(i) Administrative control and procedures. The following control and procedures shall govern the administration of the sick leave program. An employee desiring sick leave shall comply with the following conditions:

(1) The employee shall insure that ~~his~~ the immediate supervisor is notified ~~not later than two (2) hours after within the first half hour of~~ the working day ~~has begun~~; or

(2) If at work, the employee shall report to ~~his~~ the immediate supervisor to record the date and time of departure on the sick leave authorization form, ~~which shall be completed upon the employee's return to work.~~

(3) Sick leave with pay in excess of three (3) consecutive working days for reasons of personal illness or physical incapacity shall be granted only after presentation of a written statement by a licensed physician certifying that the employee ~~'s condition prevented him from performing the duties of his position-~~ is able to return to work. Failure to present said certification ~~within one week following an employee's return to work~~ will result in the employee being charged with leave without pay. A physician's certificate is necessary for sick leave beyond three (3) days when caused by illness of a member of the immediate family.

(4) Upon return to work, the employee will complete the prescribed leave form and return it to ~~his~~ the immediate supervisor with a doctor's certificate, if applicable, for department director approval and appropriate processing through the department timekeeper and finance department. During an employee's absence, the immediate supervisor or other designated department official shall be diligent as to the welfare of the employee, periodically inquiring to ~~his~~ the employee's well-being and progress.

~~(5) —In cases involving town employees who are bound by law to a federal or state policy of sick leave, the state and/or federal policy shall apply in place of town policy.~~

~~(6-5)~~ The anniversary and performance review date of an employee whose leave of absence exceeds three (3) months will be adjusted accordingly.

(j) *Sick leave abuse.* Sick leave is a gratuity to be paid only during illness, accident or death in the immediate family, and is not to be used as leave for other reasons. In response to ~~F~~requent or substantial sick leave uses or employees who develop a pattern of sick leave, or in cases of suspected sick leave abuse, an employee may be required to provide doctor certification following absences of less than three (3) days or undergo a physical examination by a physician designated by the town to determine whether the employee continues to be fit for duty. Employees found to be abusing sick leave may be disciplined.

(Ord. No. 76-7, § 1, 3-3-76; Ord. No. 77-18, § 1, 7-6-77; Ord. No. 77-37, § 1, 12-7-7; Ord. No. 92-4, § 2, 1-15-92; Ord. No. 92-31, § 3, 8-19-92; Ord. No. 93-24, § 3, 8-18-93; Ord. No. 95-37, § 1, 9-20-95; Ord. No. 96-37, § 2, 8-21-96; Ord. No. 97-25, § 10, 5-7-97; Ord. No. 97-67, § 5, 11-19-97)

Section 5. Leaves for certain non-represented fire department employees.

Eligibility. All non-represented fire department employees regularly scheduled to work an average of ninety-six (96) hours biweekly (hereinafter in this section 5 referred to as "employees") shall be eligible for holiday pay, sick leave and vacation leave as described below. Employees who are regularly scheduled to work a forty-hour week shall be not be eligible for leave as outlined in this section; leave shall be in accordance with all other applicable leaves of absence sections of the town's personnel rules and regulations.

(a) *Holiday pay.* Employees shall be compensated for the designated holidays observed by the town at a rate of twelve (12) hours of their base hourly rate of pay per holiday. Pay shall be paid to the employee on the pay date for the pay period in which the holiday falls.

(b) *Vacation leave.*

- (1) Accrual of vacation leave. For purposes of accrual, the vacation year shall be October 1st through September 30th. Employees shall earn and may take vacation leave based on the following:
 - i. Employees with less than five (5) years of service accrue six and forty-two one-hundredths (6.42) hours biweekly.
 - ii. Employees who have completed five (5) but less than ten (10) years of service accrue eight and thirty-one one-hundredths (8.31) hours biweekly.
 - iii. Employees who have completed ten (10) years of service accrue ten and sixteen one-hundredths (10.16) hours biweekly.
 - (2) Accumulation of vacation leave. ~~An employee may accumulate and carryover, from one fiscal year to the next, vacation leave equal to one (1) time his/her annual rate of accrual. At the end of each fiscal year, any accrued vacation leave in excess of said accrual will be forfeited. Vacation leave shall be cumulative; however, at the end of the fiscal year, an employee's vacation leave credits up to an amount equal to the amount of vacation leave hours accrued during that fiscal year, as indicated in Rule IX, Section 5(1) above, shall be transferred to the following fiscal year. Employees with accrued vacation leave in excess of one hundred sixty-seven (167) hours and who have utilized at least ninety-six (96) hours of leave time during the fiscal year, may be allowed to make an election during one month of the year (to be determined by the town administrator or designee) to sell the excess vacation leave time back to the town, subject to available funds, at the discretion of the town administrator or designee. An employee may request the town administrator or designee provide an extension of those hours above the amount set forth herein for a period not to exceed twelve months. All time sold will be deducted from the vacation time accumulation.~~
 - (3) Administrative control and procedures.
 - i. Scheduling vacation leave. Vacation leave selection and its approval shall be determined by time in rank seniority, provided it does not interfere with departmental and town operations.
 - ii. Separations and retirements. See Rule ~~XIX~~, Section 3(d)(2) of these regulations.
 - iii. Death of an employee. See Rule ~~XIX~~, Section 3(d)(3) of these regulations.
 - ~~iv. State/federal policy. See Rule IX, Section 3(d)(4) of these regulations.~~
 - ~~viv.~~ viv. Vacation leave form. See Rule ~~XIX~~, Section 3(d)(5) of these regulations.
- (c) *Sick leave.*
- (1) Amount of sick leave. All employees shall earn sick leave credits at the rate of five and fifty-four one-hundredths (5.54) hours biweekly. Sick leave may be accumulated up to a maximum of seven hundred sixty-eight (768) hours. In the case of extended illness where an employee has exhausted accrued sick leave, accrued vacation leave may be taken.
 - (2) Conditions under which sick leave may be used. See Fire Department Rules and Regulations and Rule ~~XIX~~ Section 4(c) of these regulations.
 - (3) Separations and retirements. As an incentive against sick leave abuse, an employee in good standing at the separation of his/her employment with the town, either by retirement, resignation, layoff, or death, shall be given the monetary value of one hundred (100) percent of accumulated sick leave; however, employees hired after November 19, 1997, shall be given the monetary value of fifty (50) percent of accumulated sick leave at resignation or layoff, and the monetary value of seventy-five (75) percent of accumulated sick leave at retirement or death. In the case of disability retirement, an employee shall be allowed to exhaust all accumulated sick leave and/or vacation leave before the effective date of his/her disability retirement.
 - (4) Payment of workers' compensation. All provisions of Rule ~~XIX~~, Section 4(g) of these regulations shall apply except that, in the event the injured employee is unable to return to work (as determined by a town-designated physician) after three (3) months from the date of injury, the

situation will be reviewed by the town administrator or designee. The town administrator or designee may extend the period of regular pay for up to twelve (12) months from the date of injury.

- (5) Transfer to vacation leave. See Rule ~~XIX~~, Section 4(h)(1) of these regulations.
- (6) Administrative control and procedures. Notification of illness or other qualifying absence shall be as set forth in the Fire Department Rules and Regulations and Rule ~~XIX~~, Section 4(i)(2), (4), (5) and (6) of these regulations.
- (7) Sick leave abuse. See Rule ~~XIX~~, Section 4(j) of these regulations.
- (d) Conversion of leave to pay. On a quarterly basis, an employee may elect to convert twenty-four (24) hours per month of sick leave or vacation leave to pay. The maximum payout shall not exceed two hundred eighty-eight (288) hours annually.

(Ord. No. 93-24, § 5, 8-18-93; Ord. No. 97-25, § 10, 5-7-97; Ord. No. 97-67, § 8, 11-19-97)

Editor's note--Section 10 of Ord. No. 97-25, adopted May 7, 1997, amended Rule X by renumbering §§ 4.5, 5 as §§ 5, 6; §§ 6--10 as §§ 8--12; and § 11 as § 7.

Section 6. Maternity leave.

- (a) A female employee in good standing with the town who is not eligible for family and medical leave as defined in Section 7 may, upon recommendation of her department director and the approval of the town administrator or designee, be granted leave of absence without pay for maternity reasons. The period of absence, subject to the approval of the town administrator and/or physician selected by the town, may be granted for the period requested in writing by the employee and recommended by her physician. In case of complications and depending upon the condition of her health, a reasonable extension may be granted if recommended by her physician and upon her request. If applicable, accumulated sick leave and vacation leave with pay shall be exhausted prior to taking maternity leave without pay.
- (b) As in all other types of absence without pay, sick leave and vacation leave shall not accumulate during a maternity leave of absence without pay.
- (c) During maternity leave without pay pursuant to this section, an employee shall pay the required group health insurance premium.

(Ord. No. 93-23, § 1, 8-4-93; Ord. No. 97-25, § 10, 5-7-97)

Note--See editor's note, Rule X, § 5.

Section 7. Family and medical leave.

- (a) An employee who has been employed with the town for at least twelve (12) months, and has worked at least one thousand two hundred fifty (1,250) hours within the past twelve-month period, may, upon the approval of the town administrator or designee, be granted a leave of absence in accordance with the Family and Medical Leave Act of 1993 (which shall control any questions concerning this section). An eligible employee may be granted up to twelve (12) weeks leave during any rolling twelve-month period for personal serious health conditions, birth, adoption or foster placement of a child, or to care for a child, spouse, or parent with a serious health condition. When leave is foreseeable, the employee shall provide written notice to the town administrator or designee, through the department director, not less than thirty (30) days before the date leave is to begin; if thirty (30) days' notice is not possible, notice must be given as soon as practicable before leave is to begin. Leave may be delayed if an employee fails to give timely notice.

When leave is medically necessary, an employee may take said leave in a rolling twelve-month period intermittently or use the leave to effect a reduced work week. Married couples may take a combined total of twelve (12) weeks per rolling twelve-month period for the care of a newborn, adopted, or foster child. When leave is requested to care for a newborn or newly adopted [child] or placement of a foster child, an employee may take leave intermittently or on a reduced leave schedule only if approved by the town administrator or designee. Intermittent leave or reduced schedule leave may result in the employee being temporarily transferred to an equivalent available position for which the employee is qualified. An

employee taking family or medical leave will be able to return to the same or equivalent position with the same benefits he/she would have received had no leave been taken.

The town may require an employee taking leave for serious health conditions to provide a health care provider's certification that leave is medically necessary. Second and, if necessary, third medical examinations may be required at the town's expense to determine whether leave is medically necessary. The town may require periodic status reports from employees on unpaid leave regarding the continued need for leave, and the employee's intent to return to work. The town may require employees to provide medical certification of their fitness to return to work after medical leave for serious personal health problems. Leave may be delayed and/or reinstatement after leave may be delayed or denied until the town receives proper medical certification. An employee shall exhaust any applicable accrued leave as part of the approved family or medical leave prior to taking any leave without pay. Employees may use accrued sick leave when leave is requested to care for a newborn, newly adopted {child} or placement of a foster child.

- (b) As in all other types of absence without pay, sick leave and vacation leave shall not accumulate during a family and medical leave of absence ~~without pay that extends beyond one (1) month.~~
- (c) During family and medical leave, an employee shall be entitled to receive the same group health benefits he/she would have received had no leave been taken. Employees on unpaid leave must continue to pay the same portion of their group health plan premium as if no leave had been taken. Payments by employees shall be made by the fifteenth {day} of the month for the following month or as mutually agreed upon prior to the commencement of leave. If an employee fails to return to work from leave granted under this provision, the town may recover any premiums paid to maintain group health insurance for the employee during the period of leave without pay.

(Ord. No. 93-23, § 2, 8-4-93; Ord. No. 95-35, § 3, 8-16-95; Ord. No. 96-37, § 6, 8-21-96; Ord. No. 97-25, § 10, 5-7-97)

Note--See editor's note, Rule X, § 5.

Section 8. Military leave.

- (a) For the purpose of this regulation, "Armed Forces" is defined to include the Army, Navy, Marine Corps, Air Force and Coast Guard. "Reserve components" is defined to include the federally recognized National Guard and Air National Guard of the United States, the Officers Reserve Corps, the Naval Reserve, the Marine Corps Reserve and the Coast Guard.
- (b) Regular employees of the town who are members of the National Guard or any reserve component of the Armed Forces of the United States shall be entitled to a leave of absence with pay without loss of service or annual leave during the time which they are engaged in the performance of official duty in this state or in the United States under competent orders. While on such leave, they shall be paid their regular salary, not to exceed seventeen (17) working days in any calendar year and in accordance to provisions made pursuant to resolution 2001-272.
- (c) To receive payment of salary, an employee must, prior to his leave, file with the town administrator or designee a copy of ~~his~~ the official orders and, upon return, a certification from ~~his~~ the commanding officer of performance of duty in accordance with the terms of such orders.

(Ord. No. 96-37, § 3, 8-21-96; Ord. No. 97-25, § 10, 5-7-97)

Note--See editor's note, Rule X, § 5.

Section 9. Civil leave.

- (a) An employee who is required to serve as a juror shall be excused from work for the day or days on which ~~he~~ the employee serves in such capacity, and ~~he~~ shall receive for each day of jury service on which ~~he~~ the employee otherwise would have worked the difference between ~~his~~ the regular straight time rate of pay and the payment ~~he~~ receives for jury service. The employee will present proof of jury service or reporting for service and the amount of payment received ~~there for~~ from the clerk of court to the town administrator or designee upon ~~his~~ return to work. If an employee is released from jury duty by the court any time prior to 12:00 noon, ~~he~~ the employee shall report to work within one hour after being released by the court.

- (b) Witnesses subpoenaed by the town in any litigation in which the town is involved shall not lose any pay by reason of attendance upon court as a witness; likewise, town employees named as defendants in any lawsuit brought either against the town or against such employees arising out of the performance of their official duties shall not lose any compensation by reason of attendance upon court in such litigation. An employee subpoenaed as a witness in any case other than by the town as a witness for the town, shall not be paid for such time spent as a witness, but shall have deducted from ~~his~~ their own compensation, the time spent in court attending ~~upon~~ such litigation, or ~~he~~ the employee may have the time charged to accumulated vacation leave.

(Ord. No. 97-25, § 10, 5-7-97)

Note--See editor's note, Rule X, § 5.

Section 10. Leave without pay.

Upon application in writing and upon recommendation of the department director, a regular employee may be granted a leave of absence without pay by the town administrator or designee not to exceed one year for the reason of personal illness in the immediate family, maternity, disability, for the purpose of furthering the employee's education that will benefit the Town of Davie, or for other reasons approved by the town administrator or designee. Service credit shall be granted for the entire leave; however, vacation and sick leave benefits shall not accrue ~~if leave extends beyond one month~~. The employee shall pay the total required group health and life insurance premiums. ~~Leaves over three (3) months shall result in the adjustment of the employee's performance review date.~~

(Ord. No. 96-37, § 4, 8-21-96; Ord. No. 97-25, § 10, 5-7-97)

Note--See editor's note, Rule X, § 5.

Section 11. Discretionary leave.

Such other leaves of absence or extensions of leave as may be appropriate, both with and without pay, may be granted at the discretion of the town administrator or designee. All such requests shall be submitted by the department director to the town administrator or designee.

(Ord. No. 97-25, § 10, 5-7-97)

Note--See editor's note, Rule X, § 5.

Section 12. Bereavement leave.

Bereavement leave will be granted to employees in the case of death in the immediate family of an employee for a period of up to three (3) days if death is within the state of Florida, or up to five (5) days to attend funeral/memorial services for a death of an immediate family member outside the State of Florida; except that non-represented fire department employees regularly scheduled to work an average of ninety-six (96) hours biweekly will be granted bereavement leave of up to two (2) shifts or up to three (3) shifts to attend funeral/memorial services for a death of an immediate family member outside the State of Florida. The immediate family member of an employee shall be defined to mean the following: Wife, husband, mother, father, son, daughter, brother, sister, half-brother, half-sister, stepmother, stepfather, stepdaughter, stepson, grandmother, grandfather, grandson, granddaughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, and sister-in-law. Bereavement leave may not be granted an employee for death of any other relative, but employee may use accrued vacation leave. The town reserves the right to require documentation supporting all approval of bereavement leave after an employee returns to work.

(Ord. No. 77-37, § 1, 12-7-77; Ord. No. 93-24, § 4, 8-18-93; Ord. No. 96-37, § 5, 8-21-96; Ord. No. 97-25, § 10, 5-7-97; Ord. No. 97-67, § 6, 11-19-97)

Editor's note--At the town's request, Rule X, § 11.5 has been renumbered as Rule X, § 12.

Section 13. Donation of leave.

If an employee has exhausted all of his/her accrued leave time and any available rights to a leave bank for leave which meets the eligibility criteria of the Family and Medical Leave Act of 1993 (FMLA), a fellow employee may donate accrued leave time to said employee, provided the donating employee retains forty (40) hours of vacation and forty (40) hours of sick leave for his/her own personal use. The donated accrued leave will be converted, on a cash value basis, to sick or vacation leave, using the applicable conversion rate, for the employee to whom it is donated on a cash value basis.

Donated leave will be used by the employee in the order in which it was donated. Any unused donated leave will be returned to those employees whose donated time was not used. The employee receiving donated leave shall be required to provide appropriate documentation supporting the purpose and duration of said leave. Donated leave will be counted against the employee's twelve (12) weeks of FMLA, if applicable. Because employees using donated leave would otherwise be in an unpaid status, employees using donated leave will not accrue additional paid leave ~~beyond one month of donated leave usage~~. Employees using donated leave will be required to pay group health insurance premiums if donated leave extends for more than one month beyond paid family and medical leave. Donated annual leave may be used for any leave which meets the eligibility criteria of the FMLA. Donated sick leave may be used only for situations in which the employee could use his/her own sick leave.

For each instance of an employee's need for such leave, an employee may utilize donated leave for up to twelve (12) weeks. In exceptional cases involving an employee who has a very serious illness or injury, the town administrator or designee may, in his/her sole discretion, grant extensions for use of donated leave up to one calendar year from the date the employee first began utilizing said donated leave. Additionally, with the approval of the town administrator or designee, an employee may use donated leave (subject to a one-calendar-year time limitation stated above) in the event an employee's spouse, child or parent suffers a catastrophic illness or injury that requires the employee to be absent from work to care for said spouse, child or parent.

If an employee is receiving employer-provided disability payments or applicable workers' compensation wage loss benefits, donated leave shall only be used as a supplement to provide the ill or injured employee with his/her regular pay. In addition, donated leave may not be used by an employee when light duty was offered by the town and refused by the employee ~~or when the employee's injury is work related and designated as family and medical leave~~.

~~In the event an employee is currently on leave and is not now eligible to receive donated leave but would be eligible for donated leave pursuant to these amendments at the time they are adopted, said employee will be covered by these provisions on a prospective basis only. Further, any employee who is already being permitted to utilize donated leave pursuant to this section may continue to participate (for one year from the date said employee initially began receiving donated leave) without further qualification.~~

(Ord. No. 96-37, § 7, 8-21-96; Ord. No. 97-67, § 7, 11-19-97)

RULE XI X. RETIREMENT AND GROUP INSURANCE

Section 1. Social security.

All eligible employees are enrolled in a Social Security Program to include OASDI and Medicare. Full information regarding the requirements and benefits of this law is contained in various pamphlets published by the Social Security Administration.

(Ord. No. 97-25, § 11, 5-7-97)

Section 2. Retirement system.

All regular full-time employees are subject to the applicable Town of Davie's Retirement System. Information regarding the various retirement plans is available through the ~~personnel division~~ department of human resources management and the ~~finance budget and finance department~~.

(Ord. No. 77-37, § 1, 12-7-77; Ord. No. 97-25, § 11, 5-7-97)

Section 3. Group insurance. (Medical, Dental, Life, Short and Long Term Disability)

All regular full-time employees are eligible to enroll for medical and life insurance benefits upon completion of the prescribed length of employment with the town. Information regarding these benefits is available through ~~the personnel division~~ department of human resources management.

(Ord. No. 97-25, § 11, 5-7-97)

RULE XII XI. LONGEVITY PAY AND OTHER BENEFITS

Section 1. Longevity pay.

As recognition for long and faithful service to the town, regular full-time employees hired on or before July 17, 1991, who have served as such continuously for three (3) or more full years shall become eligible for an annual longevity payment in

the amount equaling six (6) percent of the basic annual salary for that period from the employee's anniversary date to September 30. After the first year's eligibility, the employee will receive a longevity payment from October 1 to September 30 of each year. At termination, the employee will be paid on a prorated basis from October 1 to termination. Annual longevity will be paid on or about December 1 of each year.
(Ord. No. 77-37, § 1, 12-7-77; Ord. No. 91-29, § 1, 7-17-91)

Section 2. Service awards.

Upon completion of five (5), ten (10), fifteen (15), twenty (20), twenty-five (25), thirty (30), thirty-five (35), forty (40), forty-five (45), and fifty (50) years of continuous service with the town, employees shall be presented with service awards, to be determined by the town administrator or designee.
(Ord. No. 80-3, § 1, 1-16-80; Ord. No. 97-25, § 12, 5-7-97)

Section 3. Rest periods.

When practicable, employees will be granted fifteen (15) minutes in the first half of their workday and fifteen (15) minutes in the second half of their workday as a rest period. Rest periods shall be arranged so as to not interfere with town business. The department director or designee shall be responsible for administration of rest periods within his the respective department.

(Ord. No. 97-25, § 12, 5-7-97)

Section 4. United States Savings Bonds.

United States Savings Bonds may be purchased by town employees through a payroll deduction plan. Employees may arrange through the budget and finance department to have regular deductions made from their paychecks toward the purchase of government bonds. When a sufficient amount has accumulated in the employee's account, the budget and finance department will purchase a bond in the employee's name and have it mailed directly to the employee.

(Ord. No. 97-25, § 12, 5-7-97)

RULE XIII XII. EMPLOYEE DEVELOPMENT

Section 1. ~~In-service~~ Training and Development.

It will be the responsibility of the town administrator or designee to foster and promote ~~in-service~~ training of employees for the purpose of improving the quality of personal service rendered to the town and to assist employees to equip themselves for advancement in the service. The training and education officer under the guidance and supervision of the town administrator or designee shall establish standards for training programs; see that training is carried out as approved; prepare certificates or other forms for recognition to persons who satisfactorily complete approved courses and programs; provide assistance to department directors in developing and conducting training to meet the specific needs of their departments; and develop supervisory and management training and other types of training programs common to all departments.

Section 2. Educational pay incentive program for police and fire departments.

Purpose. This program applies to uniformed police and fire personnel. It is established to bring about a gradual improvement in law enforcement and fire service in the town. It is a plan to provide pay incentive to present employees for acquiring additional education in job-related fields with the goal of increasing their efficiency, and offering a differential in pay for education beyond high school in job-related fields when recruiting new employees.

The plan:

- (a) Present employees. For the completing of two (2) years (equivalent of sixty-four (64) semester hours) of academic work in a recognized college or university, in an appropriate field, one step in the employee's pay range will be added to his salary.
- [(b) Reserved.]

(Ord. No. 76-7, § 1, 3-3-76)

Section 3. Payment of tuition costs in self-development courses.

Employees are encouraged to continue their self-development in whatever field they may be employed. Regular full-time employees who wish to take college courses after work hours may be able to have the tuition for such courses paid for. It is the policy of the town to pay tuition for college courses where the course is closely related to the work being performed by the employee, and when there is a reasonable indication that the course will help the employee render better performance to the town; provided other funds such as grants, scholarships, fellowships, or GI bill funds are not available from which such tuition may be paid. The payment of tuition shall be limited to the maximum charge per credit hour made by a state college regardless of whether or not the course was taken in a private or public institution of higher learning if the affected employee has been employed by the Town of Davie less than two (2) years. Full payment of tuition shall be granted to an employee who has been employed by the Town of Davie two (2) years or more regardless of whether or not the course was taken in a private or public institution of higher learning. An employee wishing to apply for tuition payment should submit his request in writing to his department director. The request should contain information as to the nature of the course, its length, and cost of tuition. If the department director feels that the course meets the criteria for payment, ~~he~~ they will submit the request to the town administrator or designee with ~~his~~ recommendation for approval. When the course is completed, a copy of the certificate or transcript received showing completing of it should be furnished to the department director. After review, the department director will forward it to the town administrator or designee to be placed in the employee's personnel file, at which time reimbursement will take place.

~~Effective April 1, 1996, and thereafter, if~~ The town administrator or designee may require an employee who voluntarily resigns or who is terminated to reimburse the town for educational expenses if the employee has not completed two (2) years of paid continuous service after the course was completed. In making the determination whether or not to require reimbursement, the town administrator or designee shall consider criteria, including, but not limited to, length continuous of service, performance appraisal record, and reason(s) for leaving town employment.
(Ord. No. 77-37, § 1, 12-7-77; Ord. No. 90-63, § 1, 12-5-90; Ord. No. 97-25, § 13, 5-7-97)

Section 4. Performance appraisals

The town administrator or designee, in cooperation with department directors, shall establish a system of employee performance appraisals based on standards of performance. The standards shall have reference to the quality and quantity of work done, the manner in which the service is rendered, the faithfulness of employees to their duties, and any other factors related to a true evaluation of the total job performance of the employee. Performance appraisals shall be so developed that they can be used as a factor in granting merit salary increases and determining promotions. Temporary and seasonal employees shall receive performance appraisals for reemployment purposes only. Performance appraisals shall be reviewed with respective employees by the immediate supervisor and/or department director, and by the town administrator or designee. Performance appraisals shall be placed in the employee's personnel file for review by the town administrator or designee in considering any personnel actions, including, but not limited to, merit salary increases, promotions, or disciplinary action.

(Ord. No. 97-25, § 13, 5-7-97)

RULE ~~XIV~~ XIII. CONDUCT OF EMPLOYEES

Section 1. Hours of work.

The hours of work shall be determined by the town administrator or designee with the assistance of the department directors, if compatible with the department. Most town employees work a forty-hour week of five (5) eight-hour days. Starting and ~~quitting~~ ending times in some departments vary depending on the services they provide. The typical normal work schedule begins at 8:30 am and concludes at 5:00 pm constituting 7.5 hours per day of actual time worked which includes a 1/2 hour paid lunch period and two 15 minute paid breaks. The town pays regular employees for forty (40) hours of work. At the discretion of department directors, employees may be eligible to take a one (1) hour paid lunch period by forgoing the two 15 minute paid breaks.

Employees are expected to faithfully observe their working hours, report for work on time, and be regular in attendance. All employees are subject to work during emergency situations at other than normal working hours, and will be expected to do so at the request of their department director.

The police and fire departments must give twenty-four-hour service seven (7) days a week to protect the public's life and property. Many of the employees in these departments are required to take off days other than Saturday and Sunday.

(Ord. No. 97-25, § 14, 5-7-97)

Section 2. Outside employment.

No employee may engage in incompatible employment which could cause conflict of interest or permit use of his town employment for personal gain. Outside employment must not interfere with performance of duties for the town. Any outside employment must meet with the approval of the department director and the town administrator or designee. Request for permission to engage in outside employment must be submitted to the department director and include the name of the firm, position, duties and hours of employment on the prescribed form available through the ~~personnel division~~ department of human resources management and may be granted or denied.

(Ord. No. 97-25, § 14, 5-7-97)

Section 3. Political activity.

A town employee may express ~~his~~ their opinion(s) privately as a citizen and may vote in any election for which ~~he~~ employee is qualified. In fact, all employees are urged to use their rights as citizens; however, no town employee may take active part in any political campaign or solicit or receive any contributions for any political purpose during on-duty hours.

(Ord. No. 97-25, § 14, 5-7-97; Ord. No. 98-19, § 2, 4-15-98)

Section 4. Bulletin boards.

Each department shall have one or more bulletin boards located in places readily available to all employees. Job announcements will be posted on them as well as other items of importance to employees. Employees should be encouraged to read the items on the bulletin board regularly to keep abreast of current events and information that will inform them of changes in policies and procedures.

Section 5. Prohibitions.

No employee shall willfully or corruptly make any false statement, certificate, or report regarding his position or other employees. No employee shall permit or be a party to fraud preventing the impartial execution of the personnel rules. No employee considered for merit salary increase or promotion in the town service shall either directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or in connection with his merit salary increase or proposed promotion. No officer or employee in the classified service shall continue in such position after being qualified as a candidate for nomination or election to any town public office. See Section 5 of Rule I, General Provisions. Violation of any of the above provisions shall be grounds for dismissal or rejection of an application.

RULE ~~XV~~ XIV. RECORDS AND REPORTS

Section 1. Records.

All personnel records that are not exempt from Florida's public records law shall be open for public inspection during regular office hours. The town administrator or designee may charge an appropriate fee for the retrieval and/or copying of any such records. The town administrator shall retain records necessary to the proper administration of the personnel system.

(Ord. No. 97-25, § 15, 5-7-97)

Section 2. Personnel changes.

The town administrator or designee shall prescribe necessary forms and reports for all personnel changes.

(Ord. No. 97-25, § 15, 5-7-97)

Section 3. Service records.

Records shall be kept in the ~~personnel division~~ department of human resources management for every person employed by the town. The efficient administration of the town's ~~personnel division~~ department of human resources management depends on accurate information about the town and each of its employees. In order to keep personnel records up-to-date, employees must notify their supervisor and the ~~personnel division~~ department of human resources management immediately of any change of name, address, telephone number, whom to contact in case of emergency, beneficiaries, dependents eligible/ineligible for family insurance coverage, information for income tax withholding, and other similar information. The town respects the privacy of its employees' rights and, in this regard, will keep all information in its personnel files confidential to the extent permitted under Florida law.

(Ord. No. 97-25, § 15, 5-7-97)

RULE XVI. SAFETY AND ACCIDENT PREVENTION

Section 1. Policy.

In order to furnish a safe working environment for its employees, it is the policy of the town to conduct a comprehensive safety program. Safety is an integral part of each job in the town and every employee of the town is charged with the responsibility of preventing accidents. The full cooperation of every {employee} is essential to the maintenance of safe, sanitary, and healthful working conditions.

Section 2. Accident prevention program--Purpose.

The objective of accident prevention in the town is to minimize human suffering and to promote efficient operations. The town's accident prevention program is devised to eliminate on-the-job accidents as far as possible, and by so doing pay dividends both in human values and in dollars and cents by:

- (1) Reducing human suffering and loss of income caused by accidents.
- (2) Avoiding loss of work time caused by wasted material, damaged equipment and absence from work of skilled employees.
- (3) Reducing the cost of operating the town government through lowering both the direct and indirect costs incurred in accidents.

Section 3. Same--Organization.

The town's accident prevention program is decentralized, with each department responsible for carrying out its own safety program. The town administrator or designee lends staff assistance in the establishment and maintenance of such programs. The town's employee safety committee meets monthly to discuss problems concerning safety and to review past accidents. The safety committee is composed of one representative from each department. The department representatives are appointed to the safety committee by the appropriate department directors. The representatives from each department serve for a two-year term. The safety committee endeavors to determine the cause of each accident and recommends precautions to prevent similar accidents in the future. In cases involving neglect, employees will be subject to disciplinary action, as determined by the applicable department directors. The purpose of any disciplinary action is to impress upon all employees the importance of observing safe working practices.

(Ord. No. 97-25, § 16, 5-7-97)

Section 4. Accident reporting procedures.

- (a) Personal injuries. If any employee has an on-the-job injury, the employee will report immediately to ~~his~~ the supervisor and/or a designated physician for treatment. As soon as possible after the accident, the injured employee and ~~his~~ the immediate supervisor will complete a "report of personal injury" form and forward it to the ~~department head~~ risk manager with a copy to the department director.
- (b) Accidents involving town equipment. In any vehicular accident involving town equipment, the operator of the equipment will immediately contact the police department and request an investigation of the accident. As soon as possible after the accident, the operator of the equipment will complete an "accident report involving town equipment" form, and forward the report to the ~~department head~~ risk manager with a copy to the department director.

Section 5. Compensation to injured employees.

See Rule ~~XIX~~, Section 4(g) [for provisions pertaining to compensation for injured employees].

Section 6. Employee participation.

Each town employee is encouraged to take active part in the safety program, not only by working in a safe, accident-free manner, but also by offering suggestions on any matter concerning safety. Suggestions may be submitted to the employee's supervisor or department director.

RULE XVII. RULE CHANGES

{Section 1. Scope of rules; validity and compliance of changes.}

These rules and regulations set forth the principles and procedures that are to be followed by the town in the administration of its personnel program. No change or regulations shall become valid until submitted to and approved by the town council. These personnel rules will be considered to be in ~~compliance~~ accordance with all collective bargaining agreements negotiated by the town administration or designee and ratified by the town council. If there is any conflict between these personnel rules and a collective bargaining agreement, the terms of the collective bargaining agreement shall control.

(Ord. No. 76-7, § 1, 3-3-76; Ord. No. 97-25, § 17, 5-7-97)

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